

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**UNITED STATES OF AMERICA,**  
**v. 18 Cr. 319 (SHS)**  
**CHRISTIAN PABON,**  
**Defendant.**

-----x Trial  
New York, N.Y.  
May 5, 2022  
9:30 a.m.

**Before:**

**HON. SIDNEY H. STEIN,**  
**District Judge**  
**and a Jury**

**APPEARANCES**

**DAMIAN WILLIAMS**  
**United States Attorney for the**  
**Southern District of New York**

**BY: ADAM S. HOBSON**  
**RUSHMI BHASKARAN**  
**ELIZABETH A. ESPINOSA**  
**Assistant United States Attorneys**

**ELIZABETH E. MACEDONIO, P.C.**  
**Attorneys for Defendant**  
**BY: ELIZABETH E. MACEDONIO**

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**Attorneys for Defendant**  
**BY: JEREMY SCHNEIDER**

**Also Present: Emily Abrams, Paralegal Specialist, USAO**  
**Dylan Schneider, Defense Paralegal**

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**(Trial resumed; jury not present)**

**THE COURT:** Good morning. Everyone is here, including

**the defendant.**

**Mr. Schneider, everything OK?**

**MR. SCHNEIDER:** Thank you. Yes, your Honor.

**THE COURT:** Excellent.

All right. Let's put your next witness on, sir. How

**long is the next government witness going to be?**

**MS. BHASKARAN:** Your Honor, I expect not longer than

**30 to 45 minutes.**

**THE COURT:** And it's your witness, Ms. Bhaskaran.

**MS. BHASKARAN:** Yes.

**THE COURT:** All right. Let's go.

Oh, we need a jury. Let's bring the jury in.

**(Continued on next page)**

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LaCova - Direct

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**THE COURT:** Good morning, ladies and gentlemen of the  
**jury, and thank you for being here in a timely fashion. I**  
**appreciate the fact that you remembered that we're switching**  
**courtrooms today.**

**Government, call your next witness, please.**

**MS. BHASKARAN:** Your Honor, the government calls Det.

**Sal LaCova.**

**SALVATORE LACOVA,**

**called as a witness by the government,**

**having been duly sworn, testified as follows:**

**THE COURT:** Good morning, Mr. LaCova. Welcome.

**THE WITNESS:** Good morning, your Honor.

**THE COURT:** Please speak loudly, slowly, and clearly  
and into that microphone. The problem with these directional  
mikes is when you're too far away the jury can't hear you, and  
when you're too close there's some reverberation. So you'll  
find the sweet spot.

**Ms. Bhaskaran, your witness.**

**DIRECT EXAMINATION**

**BY MS. BHASKARAN:**

**Q. Good morning, Det. LaCova.**

**A. Good morning.**

**Q. Detective, where do you currently work?**

**A. I work for, I'm a subcontractor for Homeland Security and I**  
**work Plum Island animal research center.**

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**Q. Where did you work before that?**

**A. I was a detective in the New York City Police Department.**

**Q. For how long did you work with the New York City Police**  
**Department?**

**A. 24 years.**

**Q. What was your rank when you left the NYPD?**

**A. I was a second grade detective.**

**Q. For how many years were you a detective?**

**A. 15.**

**Q. What was the last unit or section that you were assigned to**  
**when you worked at the NYPD?**

**A. I worked in the firearms analysis section.**

**Q. And for how long were you working with the firearms**  
**analysis section?**

**A. 12 years.**

**Q. What type of work did you do in the firearms analysis**  
**section?**

**A. I was a firearms examiner.**

**Q. What does it mean to be a firearms examiner?**

**A. I utilize a comparison microscope, and I compared fired**  
**ballistic evidence, which consists of bullets, bullet fragments**  
**and cartridge casings.**

**Q. And we'll get to those terms in just a moment.**

**You mentioned you used -- what type of tools did you use in**  
**the firearms analysis section?**

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1 A. We utilized a comparison microscope.  
 2 Q. What does that allow you to do?  
 3 A. It has one set of oculars that you can look through, and it  
 4 has two stages, with a zoom lens above each stage, which allows  
 5 us to look at two fired pieces of evidence at the same time,  
 6 side by side.  
 7 Q. When you look at two pieces of fired evidence at the same  
 8 time, what types of conclusions can you make?  
 9 A. We can determine if the two pieces of evidence were from  
 10 the same source, which means fired from the same firearm, or  
 11 from different sources.  
 12 Q. Can you --  
 13 A. Go ahead. Yeah.  
 14 Q. Can you describe the training you received in firearms  
 15 analysis?  
 16 A. So, when I first got there, I received a six-month training  
 17 program, and that was for firearms identification and  
 18 operability. And then the second course I received was for  
 19 firearms identification, which is, would utilize the comparison  
 20 microscope. That course ends in what's called a ten-barrel  
 21 test. So in order to complete the course and do microscopic  
 22 comparisons, you have to successfully complete this ten-barrel  
 23 test.  
 24 The ten-barrel test is given to us by the Ruger firearms  
 25 company. We have ten barrels that are made simultaneously, one

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1 after another, with the same tools. There's two test-fired  
 2 bullets fired down each barrel; those are our known sources.  
 3 And then we have 15 unknown bullets. We have to successfully  
 4 match those bullets back to the original source in order to  
 5 complete the course and do microscopic work.  
 6 Q. Did you successfully pass that test?  
 7 A. That one, and several others.  
 8 Q. Was your proficiency to conduct microscopic examinations  
 9 tested on a regular basis when you were employed by the NYPD?  
 10 A. Yes, we had mandatory yearly proficiency tests.  
 11 Q. What was the nature of those tests?  
 12 A. They were -- we were given microscopic evidence. They had  
 13 known answers, and we had to successfully, you know, we had to  
 14 success -- we had to get 100. There's no, even in the  
 15 ten-barrel test, like, 95 is a good score. You had to get 100,  
 16 or else you either had to go back to retraining or you had to  
 17 be taken off the microscope itself.  
 18 Q. Did you pass those tests as well?  
 19 A. Yes.  
 20 Q. How many firearms have you analyzed in your career?  
 21 A. Thousands.  
 22 Q. How many bullets or fragments or casings have you examined  
 23 in your career?  
 24 A. Tens of thousands.  
 25 Q. Have you testified in court before as a ballistics expert?

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1 A. Yes.  
 2 Q. About how many times?  
 3 A. Over 350 times.  
 4 Q. Which courts?  
 5 A. All state Supreme Court in all five boroughs of New York  
 6 City. I testified in Westchester Supreme Court, Nassau County,  
 7 and Atlanta, Georgia.  
 8 MS. BHASKARAN: Your Honor, the government asks --  
 9 A. Oh, and all the federal courts, Southern and Eastern  
 10 District.  
 11 THE WITNESS: Sorry, your Honor. I didn't mean to  
 12 leave you guys out.  
 13 MS. BHASKARAN: Your Honor, the government asks that  
 14 Det. LaCova be qualified as an expert in ballistics analysis.  
 15 MS. MACEDONIO: No objection.  
 16 THE COURT: All right. I grant the motion.  
 17 Ladies and gentlemen, just as you saw the other day,  
 18 what I've done is simply allow this witness to answer opinion  
 19 questions in his area of expertise, which is firearms analysis,  
 20 nothing more, nothing less than that.  
 21 Proceed.  
 22 BY MS. BHASKARAN:  
 23 Q. Now, Det. LaCova, I'd like to go over some basic ballistics  
 24 terminology with you.  
 25 So first, what is ammunition?

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1 A. Ammunition -- could I utilize this prop?  
 2 Q. Yes, please. Did you bring a model to help explain these  
 3 matters to the jury?  
 4 A. I did.  
 5 Q. OK.  
 6 A. So, a unit of ammunition is intact four components. So  
 7 this would be a cartridge casing intact. So we have a shell  
 8 casing here. This would be the base of the casing; we call the  
 9 headstamp. Generally, you have caliber written on there by the  
 10 manufacturer, also the manufacturer's name. It could either be  
 11 abbreviated -- we have abbreviated terms -- or the whole name  
 12 itself.  
 13 This portion here is called the primer. The primer is  
 14 pressure sensitive. It has an explosive in it, and when it's  
 15 crushed, it explodes. It sends a flame through what's called  
 16 the flash hole of this cartridge casing, which ignites  
 17 gunpowder which is inside the cartridge casing. When the  
 18 pressure builds up inside the cartridge casing to its maximum,  
 19 it will force the bullet off of the cartridge casing and out of  
 20 weapon.  
 21 So there's four basic components to a unit of ammunition.  
 22 THE COURT: Do that again. Name the four and show the  
 23 jury each of the four.  
 24 THE WITNESS: OK. So this would be the entire  
 25 cartridge casing intact.

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1 This would be just the shell casing. So generally, if  
2 you have a semiautomatic weapon or an automatic weapon or a  
3 pump or a lever-action weapon, these expended shell casings get  
4 ejected from the firearm. So this is what you would see  
5 typically on the street if there was one of those weapons  
6 utilized.

7 THE COURT: How far away from the weapon is the shell  
8 casing ejected?

9 THE WITNESS: Well, it depends, because of the -- it  
10 would depend on the nature of the weapon, and it also would  
11 depend on what the surface that it falls on.

12 So if it falls on cement, generally it will bounce  
13 around. If it's in an urban setting, where there's people,  
14 they get kicked. They could be many feet away from the  
15 original shooting.

16 Some weapons eject to the right and rear of the  
17 shooter. Some are forward. So we don't really have a --  
18 there's no real -- they've done studies for ejection patterns,  
19 but there's not -- there's a lot of selectivity to it. So we  
20 don't really get into where the shooter was standing often.

21 THE COURT: I'm sorry. I didn't mean to speak over  
22 you, sir.

23 THE WITNESS: No. We don't really get into where the  
24 shooting was standing too often because of the variables  
25 involved.

1 THE COURT: In your right hand you're holding the  
2 bullet?

3 THE WITNESS: Yes, sir.

4 THE COURT: Show the jury what direction it would be  
5 ejected from the shell casing.

6 THE WITNESS: Well, the bullet doesn't get ejected  
7 from the shell -- well, the bullet gets forced off the shell  
8 casing down the barrel and out of the weapon.

9 Ejection happens depending on the type of weapon. So  
10 if it was a revolver, these cartridge casings would stay in the  
11 weapon and they're in what's called a rotating cylinder. So  
12 every time you pull the trigger, the bullet will fire out of  
13 the weapon, but the next pull of the trigger would cause that  
14 cylinder to rotate away from the barrel. It could go either --  
15 it could rotate left or right, depending on what the  
16 manufacturer chose and how they meant to make the barrel. So  
17 there are some weapons that eject fire cartridges from them and  
18 there are others that, they remain inside the weapon.

19 THE COURT: Thank you.

20 THE WITNESS: You're welcome, your Honor.

21 BY MS. BHASKARAN:

22 Q. Det. LaCova, what types of weapons eject the shell casing?

23 A. Well, some are automatic, and automatic weapons do. They  
24 use the, they utilize pressure from the cartridge casing to  
25 automatically eject the fired cartridge casings. And then we

1 THE COURT: All right. Why don't you continue showing  
2 the four.

3 THE WITNESS: So this would be the base of the shell  
4 casing. Again, we call it the headstamp. That's the area  
5 where you would have manufacturer's printing on here, such as  
6 the name of the manufacturer and the caliber of a weapon.

7 This silver thing is the primer that -- again, that's  
8 that pressure-sensitive high-explosion portion.

9 THE COURT: Show me. Let me see it.

10 All right. Thank you.

11 THE WITNESS: You're welcome.

12 Then inside of the shell casing, there's gunpowder.  
13 So when the primer is struck, it crushes into something, what's  
14 called an anvil. That causes the explosion. This is the flash  
15 hole. A jet flame goes through that flash hole into the  
16 cartridge casing.

17 The cartridge casing is seated in what's called a  
18 chamber of the firearm, and it's very, very tight. If there  
19 was a lot of space, this cartridge casing would expand rapidly,  
20 and it would cause an explosion. So it's very, very tightly  
21 fitted into the chamber. When the gunpowder, burning in the  
22 shell casing -- now, when we talk about it, it seems like  
23 there's time. It's instantaneously it reached its pressure  
24 limit and then forces the bullet off of the shell casing down  
25 the barrel and out of the weapon.

1 have pump-action weapons, or lever-action weapons. That uses  
2 manual manipulation of the weapon to eject, to extract and  
3 eject the cartridge casing after it's been fired from the  
4 weapon. Absent of that manual manipulation, those cartridge  
5 casings would also stay in the weapon.

6 Q. I believe before you mentioned the term "caliber."

7 A. Yes.

8 Q. Can you explain to the jury what that term means?

9 A. Well, caliber -- caliber is the measurement of the inside  
10 of the barrel. So they take measurements from land to land and  
11 groove to groove, which is the rifling, and that's the  
12 measurements inside the barrel. Caliber of ammunition is the  
13 corresponding ammunition that goes with the weapon that it was  
14 meant to be fired from.

15 Q. When you use the terms "land to land" and "groove to  
16 groove," can you explain to the jury, at a high level, what  
17 you're referring to?

18 A. So, when a barrel is made -- and that's what the bullet  
19 gets forced down and out of -- they cut spiral grooves inside  
20 the barrel, and what happens is the bullet starts off very  
21 slightly larger than the barrel. It has -- generally it has  
22 some sort of metallic case around it, and then it's filled with  
23 lead. The lead gives it its weight and its stability, and the  
24 copper jacket -- or there could be other materials used -- is  
25 soft, and it forces this bullet into the barrel. Those spiral

1 grooves, they have high spots and low spots. We call them  
2 lands and grooves, and they rotate either right and left, and  
3 depending on the manufacturer, the weight of the bullet and the  
4 preference of the manufacturer, they also will either spiral  
5 right or left. Typically, we see six -- five and six rights in  
6 revolvers, but there are others.

7 What happens with this bullet is when it's forced in the  
8 barrel and during the manufacturing process, when they're  
9 cutting those lands and grooves, they're removing material from  
10 inside the barrel with different types of tools. It could be  
11 button broaches. And what happens, they leave microscopic  
12 striations inside the barrel, and when the bullet's forced down  
13 the barrel, it picks up the mirror image of those microscopic  
14 striations.

15 Q. Let me ask you some follow-up questions on that. So, you  
16 described how -- well, let me actually take a step back.

17 Describe to the jury, please, what happens when the shooter  
18 depresses the trigger of the gun.

19 A. So, when the trigger is pressed -- well, when the -- the  
20 unit of ammunition or cartridge is loaded into what's called  
21 the chamber. So whether it's a revolver or a semiautomatic  
22 weapon, it's kind of in a similar circumstance.

23 Now, when the trigger is depressed on a revolver, generally  
24 what happens, there's a hammer with a firing pin on it. The  
25 hammer goes back to a certain point, and then it's tripped by a

1 some scratches that look like something. But generally what  
2 happens is under magnification, those machining marks are  
3 pressed into the cartridge casing, the primer, from that force  
4 rearward into the weapon, you know, into the breech of the  
5 weapon. And that also happens on the -- it also happens on the  
6 revolvers as well. So we pick up, again, the mirror image.  
7 It's pressed into the base of the cartridge, or the headstamp  
8 area.

9 Typically, let's say on your tire, it's measured in PSI.  
10 It's 35, 32, depending, 40-something pounds PSI. And then they  
11 write on the tire that if you exceed a certain limit of this,  
12 you could cause bodily harm to yourself. Well, typically in a  
13 chamber, pressure's also measured in PSI, and it could be  
14 anywhere from 30,000 PSI up until 50,000 or even more. So you  
15 could imagine the pressure that's happening in these weapons.  
16 And that's what causes these breech face impressions to be  
17 pressed into the softer metal.

18 So the firearm is a harder metal and the cartridge casings  
19 are softer metal, and they leave those -- those impressions.

20 Q. And Det. LaCova, I think you used the term "breech face  
21 impressions." Are those the impressions that are formed on the  
22 shell casing when it's fired?

23 A. Yes, they're pressed into the shell casing from the  
24 firearm.

25 Q. And are those impressions, are they unique to the

1 sear and it falls forward. When it falls forward, the firing  
2 pin strikes the primer. We get this chain reaction, where we  
3 have the explosion of the primer, the burning of the gunpowder,  
4 the pressure buildup, and the bullet's forced out of the  
5 weapon.

6 In a semiautomatic pistol, they could have a hammer also,  
7 or it could be hammerless, what's called a striker. But in any  
8 event, a firing pin strikes, strikes the primer, we have that  
9 same chain reaction. But what happens in a semiautomatic is  
10 pressure is forcing the bullet this way, forward of the weapon,  
11 and pressure is forcing the cartridge casing, what's called to  
12 the breech of the weapon, which opens the weapon, allows for  
13 extraction and ejection. It also reloads the weapon from the  
14 next, next cartridge that's in a magazine, where they're kept,  
15 generally in the handle of the weapon. And then it forces it  
16 back into the chamber, closes the weapon and cocks it. So it's  
17 doing that with the leftover pressure from the cartridge  
18 casing.

19 Q. What, if any, distinguishing marks does the firearm leave  
20 on the shell casing after it's been fired?

21 A. So, during the manufacturing process, there's a number of  
22 different tools that are utilized to create these weapons, and  
23 those tools change on the microscopic level from weapon to  
24 weapon. They leave marks that we really can't see  
25 macroscopically. If we hold them up to the light, we can see

1 particular gun that fired that cartridge?

2 A. Yes, they are.

3 Q. And then with respect to the bullet that is expelled from  
4 the gun, are there distinguishing marks that are left on the  
5 bullet?

6 A. Yes, there are.

7 Q. Could you describe that for the jury?

8 A. So, we discussed a little bit the high spots and low spots,  
9 or lands and grooves. So if I turn this this way and kind of  
10 manipulate it, you can kind of see this low spot here and this  
11 high spot here.

12 Well, the low spot represents the high spot in the barrel,  
13 which we call the land, and the high spot represents the low  
14 spot in the barrel, which we call the groove. So it's opposite  
15 of -- on the bullet, it's the opposite.

16 So if you look at a typical firearm, you look at it as a  
17 singular tool. We look at it as multiple tools. So in the  
18 case of a typical barrel that might be five right or six right,  
19 there were six distinct broaches that touch the inside of the  
20 barrel, and they change. The sharpness changes, when they're  
21 pulling that material out of the barrel, from barrel to barrel.

22 That's -- when I spoke earlier about the ten-barrel test,  
23 that's how we're able to identify barrel 1 to barrel 2 to  
24 barrel 3, and so on, to 10, or if we have a singular gun at a  
25 particular crime scene or multiple guns at a particular crime

1 scene. And typically, let's say with a police shooting, we  
2 would generally have multiple of the same model firearm, which  
3 you don't generally see in a, in a crime-type of a situation,  
4 which would make it even more difficult, because you'll have --  
5 the spatial recognition from land to land and groove to groove  
6 on the same model firearm is exactly the same. But when you  
7 have different model firearms, they could also be six right or  
8 five right or six left. But they're -- each manufacturer is  
9 going to use a different spatial relationship to, to those  
10 barrels. So that would be considered, what we consider to be  
11 class characteristic. Or individual characteristics is, again,  
12 the ten-barrel test, where all the, you can distinguish from  
13 barrel to barrel, but the class is exactly the same.  
14 Q. Just to summarize, is it true that when a gun fires a  
15 bullet, there are unique markings left on that bullet that are  
16 unique to the gun that fired the bullet?  
17 A. That is correct.  
18 Q. And what do you call those unique markings?  
19 A. Individual characteristics.  
20 Q. And based on the unique markings that are left on shell  
21 casings and on bullets, what kind of conclusions can you make ?  
22 A. Well, we could determine how many guns might have been at a  
23 scene. If we have test-fires, we can determine if those  
24 bullets are consistent with the test-fire, meaning that they  
25 match the test-fires. And we can also determine, even without

1 "On October 2, 2014, a detective from the crime scene  
2 unit of the New York City Police Department, the CSU detective,  
3 responded to the area of 1653 St. Nicholas Avenue in Manhattan  
4 to process the scene of a murder of Orlando Rivera, the  
5 decedent. Government Exhibit 601 is the ballistics evidence  
6 that the CSU detective recovered from the scene, which was  
7 vouchered under NYPD property clerk invoice No. 1000558841. "  
8 Ms. Abrams, I'm now going to read from paragraph 3 of  
9 the stipulation.  
10 "Government Exhibit 602 is a report prepared by New  
11 York City Police Department Det. Salvatore LaCova on October 3,  
12 2014, regarding his analysis of Government Exhibit 601."  
13 Ms. Abrams, you can take that down.  
14 And could you please publish Government Exhibit 602,  
15 which was previously received into the evidence.  
16 Q. Det. LaCova, do you see that document on your screen ?  
17 A. Yes, I do.  
18 Q. Do you recognize it?  
19 A. Yes, I do.  
20 Q. And do you recognize the signature on that page?  
21 A. Yes.  
22 Q. Is this a report that you prepared in connection with your  
23 work at the firearm analysis section?  
24 A. It is.  
25 Q. I'd like to ask you some questions about your analysis.

1 test-fires, how many bullets match each other or how many  
2 bullets are made -- they might be bullets that don't match each  
3 other, so that would give us an indication that there was  
4 multiple guns at a scene.  
5 Q. Det. LaCova, when you worked at the firearm analysis  
6 section, how did you receive crime scene evidence?  
7 A. All the crime scene evidence is brought into what's called  
8 the evidence control room, where it's cataloged and given its  
9 own, unique firearms identification number.  
10 Q. What do you do once you get the crime scene evidence?  
11 A. We bring it back to our desk and we do what's called an  
12 inventory. So, the vouchering officers, they do a voucher, and  
13 they tell us what they're vouchering. And then what we'll do  
14 is we'll do what's called an inventory to make sure that  
15 everything that they say is on that voucher is what we have in  
16 front of us.  
17 Q. What type of paperwork do you ordinarily prepare when you  
18 analyze ballistics evidence?  
19 A. Well, we do handwritten notes, and then we also do a  
20 summary that's generated on the computer.  
21 MS. BHASKARAN: Your Honor, I'm now going to read  
22 portions of a previously admitted stipulation. It's Government  
23 Exhibit S2.  
24 THE COURT: Go ahead.  
25 MS. BHASKARAN: I'll start with paragraph 1:

1 Starting with the first page, what types of ballistics were  
2 you given to examine in this lab report?  
3 A. Fired cartridge casings and deformed fired bullets.  
4 Q. Generally speaking, what were you analyzing this evidence  
5 for?  
6 A. We were trying to determine if the evidence was fired from  
7 a common source or multiple sources.  
8 MS. BHASKARAN: Ms. Abrams, can you -- there's a table  
9 in the report. Can you blow up the upper portion so we can see  
10 the first 13 items.  
11 All right.  
12 Q. Now, Det. LaCova, do you see where it says description on  
13 the document?  
14 A. Yes.  
15 Q. Did you fill out this portion of the report?  
16 A. Yes, I did.  
17 Q. And just at a high level, what do you do in order to  
18 populate this section of the report?  
19 A. Well, in this particular section, if we go to the left,  
20 you'll see that you, that that lab number that's given to the  
21 evidence, and then that voucher number is the voucher number  
22 that was, voucher filled out by the crime scene detective. And  
23 then we -- they gave them item numbers on the voucher, and we  
24 generally try to use their item numbers. If we got multiple  
25 vouchers from this, then our item numbers would go in



chronological order, but it would be different from their --  
their voucher numbers.

Now, the description of the cartridge casings is just that.  
So it's one cartridge casing for each item number. It's .40  
Smith & Wesson caliber. That's the caliber of the ammunition,  
and the Wolf is from the manufacturer of the ammunition.

Q. And is this analysis based on your visual inspection?

A. Yeah, that would be generally written on the headstamp area  
that we discussed earlier of the bottom base of the cartridge  
casing. So that's where that information was taken off.  
Q. So how many cartridge cases did you have in this particular  
voucher?

A. 12.

Q. And you wrote .40 Smith & Wesson caliber. Could you  
describe again what that means for the jury?

A. So it's .40 caliber. Smith & Wesson was the company that  
originally designed that caliber. It was taken off of --  
originally it was a 10 millimeter. It was designed for the FBI  
specifically and then later adopted by law enforcement  
throughout the country and also civilians. So it's a 10  
millimeter cartridge case that was cut down to make it a little  
bit smaller to fit in the frame of the firearm.

So it's .40 Smith & Wesson, Smith & Wesson firearms  
manufacturer was the one that started that caliber of  
ammunition, and now Wolf is a manufacturer of ammunition and

handwritten notes, we may have base measurements, and they fall  
into the range of .40 caliber. And also the weight of the  
bullet is -- at a -- this is two weights here that are  
consistent with .40 caliber.

So, generally, I like to have two different measurements.  
That's a subjective nature of my examinations. There are some  
people that, some examiners just automatically notice that I've  
examined thousands of these bullets and this is a .40 caliber  
bullet. I like to have the measurements to go along with my  
findings.

Q. So, Det. LaCova, it sounds like you had two measurements  
that allowed you to conclude that these were .40 caliber class  
bullets?

A. That is correct.

Q. What kind of firearm would expel a .40 caliber class  
bullet?

A. Typically .40 caliber bullets, or ammunition, is fired from  
semiautomatic pistols.

MS. BHASKARAN: Ms. Abrams, can you take down those  
enlargements and then enlarge the section of the report dealing  
with items 15 and 17.

Q. Det. LaCova, it looks like you described these again as  
deformed bullets or fired bullets?

A. Correct.

Q. And here, it looks like you described them as .38/9

they were manufacturing this ammunition under the caliber .40  
caliber.

Q. What kind of firearm would fire a .40 caliber shell casing?

A. Typically, it would be a semiautomatic pistol.

Q. Of .40 caliber?

A. Yes.

MS. BHASKARAN: Ms. Abrams, can you now blow up a  
portion of page 1 that covers items 16 and 19.

Q. Det. LaCova, it looks like you described items 16 and 19 as  
deformed bullets, is that correct?

A. That is correct.

Q. What does that mean?

A. That means -- so when a bullet starts off in a cartridge  
casing, it is pristine. Once it engages the rifling and is  
forced into the barrel, we determine it to be deformed, meaning  
that it's taken on a different shape than when it was  
originally manufactured.

Q. So is a deformed bullet basically a fired bullet?

A. It's a fired bullet, yes.

Q. You wrote that these particular deformed bullets, items 16  
and 19, are .40 caliber class. Could you describe for the jury  
what that means?

A. So, .40 caliber class, we -- I determine that to be from a  
couple of different measurements. So we use a caliper and we  
measure the base of the caliber. I believe somewhere on my

millimeter caliber class?

A. That is correct.

Q. First, can you tell us what you mean by caliber class?

A. Caliber class is a class of firearms that are capable of  
firing a bullet with that base measurement but not particularly  
the weight of the bullet. So in this particular case, .38  
caliber class is measured in hundredths of an inch, and it goes  
from .353 to about .359. And the class of weapons that have  
that barrel, barrel measurements would be a .380 auto; .38  
caliber; .38 special; nine millimeter; .357 magnum, which is  
.357, which is where that comes from; and .357 sig, which is a  
semiautomatic pistol firing a hybrid cartridge casing.

So in this particular case, when I just mentioned .380  
auto, a typical .380 auto bullet is about 95 grains, and this  
one is 139.7, in item 15, which would be too large to be fired  
out of a .380 pistol. But it does still form -- fit into that  
class of weapons.

Q. How did you determine that these particular deformed  
bullets were .38/9 millimeter caliber class?

A. That would be from the base measurement, utilizing  
calipers, and also from the weight of the bullet.

MS. BHASKARAN: Ms. Abrams, can you please take down  
those enlargements and blow up the section of the report  
dealing with items 6 and 14.

Q. So, let's start with item 6. You describe this as a

1 deformed bullet, is that correct?  
 2 A. That is correct.  
 3 Q. So that's another fired bullet?  
 4 A. Yes.  
 5 Q. You wrote unknown caliber class. Can you describe for the  
 6 jury why you wrote that?  
 7 A. So, because we're missing some crucial measurements. So I  
 8 have weight, which is 136.3 grains, which is great, but I'm  
 9 missing the full bullet. So I have "question mark right,"  
 10 which means I do not have an entire bullet to count all the  
 11 rifling; something's missing. And I also have -- because I  
 12 don't have that full bullet, I won't have my base measurements,  
 13 so that's why in that particular case it's an unknown caliber  
 14 class bullet.  
 15 Q. Det. LaCova, even though you weren't able to determine the  
 16 caliber class of the bullet from base measurements, were you  
 17 still able to examine this bullet under your comparison  
 18 microscope?  
 19 A. Yes.  
 20 Q. And would you still be able to determine whether there were  
 21 any matches between this bullet and some of the other ballistic  
 22 evidence that you analyzed?  
 23 A. Yes.  
 24 Q. Let's now look at item 14. You describe that as a deformed  
 25 piece of copper jacket. Can you describe for the jury, at a

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1 we --  
 2 A. Well, I don't have a full bullet here. I have only 14  
 3 grains. I don't have -- I only have "question mark right," and  
 4 I have -- so yes, I don't have a full bullet to make, I don't  
 5 have a base to take any measurements off of.  
 6 Q. In this case, however, were you still able to look at this  
 7 item under a microscope and determine whether it had any unique  
 8 markings that matched some of the other ballistics evidence  
 9 that you analyzed?  
 10 A. Yes.  
 11 MS. BHASKARAN: Ms. Abrams, can you please take that  
 12 down, and let's go to the second page of the report.  
 13 And Ms. Abrams, can you enlarge the first conclusion  
 14 that begins with "cartridge casings."  
 15 Q. Det. LaCova, could you please read that conclusion to the  
 16 jury?  
 17 A. So, "cartridge casings 1 through 5 and 7 through 13 were  
 18 fired from the same gun based on sufficient agreement of breech  
 19 face impressions."  
 20 Q. So, Det. LaCova, could you describe for the jury how you  
 21 were able to conclude that these cartridge casings were fired  
 22 from the same gun?  
 23 A. Yeah, so, during the manufacturing process, they -- the  
 24 manufacturer utilizes a number of different tools -- polishing  
 25 tools, sanding tools -- on the breech face to get off any

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1 high level, what that means?  
 2 A. So, generally what they do is -- again, the core of the  
 3 bullet is lead, and that gives it its weight. And generally,  
 4 what they'll do is they'll put some sort of metallic around the  
 5 bullet. And what that does is that allows that bullet to fly,  
 6 to go through the barrel, and it doesn't leave any residue  
 7 inside of the barrel, which would cause -- over time, if you  
 8 shot just lead bullets through the barrel, it would clog up  
 9 those lands and grooves, again, because the lead is soft and it  
 10 gets heated up and it'll stay in the barrel. So, what the  
 11 copper does is it allows that bullet to go down the barrel  
 12 without it leaving any residue behind.  
 13 So if a bullet strikes something harder than itself, it may  
 14 fracture or fragment or break up, and we're left with lead and  
 15 copper jackets. Now, the lead itself, the lead core, they  
 16 don't -- it doesn't touch anything inside the barrel if it's  
 17 only a core. If it's a full lead bullet, yes. But if it's  
 18 only a core, you wouldn't see any rifling characteristics left  
 19 on that lead core. But the fragments of copper jacket, we may  
 20 get some.  
 21 Q. So the copper jacket essentially then is a fragment of the  
 22 bullet that was fired; is that fair?  
 23 A. Correct. In this particular case.  
 24 Q. And you again wrote unknown caliber class. Is that for the  
 25 same reasons that you described for the previous item that

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1 inconsistencies in the metal and clean it up. And when --  
 2 during the firing of that, the weapon, and what we term the  
 3 pressure that's built up in the cartridge casing, and when it  
 4 strikes -- it starts off, it's right up against the breech of  
 5 the firearm, and it utilizes that pressure to push the top of  
 6 the weapon open and it picks up those machining marks that are  
 7 left behind by the manufacturer.  
 8 So generally, like I said, those machining marks are not  
 9 real visible to the naked eye, but they are visible under  
 10 microscopic, under microscopic magnification. So when they're  
 11 pressed in there, they -- they're unique to that weapon because  
 12 during the manufacturing process, as those tools are utilized  
 13 over and over again, until they break, and they become dull or  
 14 a little bit duller with each, with each firearm that it's  
 15 utilized against, and they change on the microscopic level. So  
 16 that's how we're able to determine that those cartridge casings  
 17 were fired from the same firearm.  
 18 Q. And Det. LaCova, I believe you testified that you measured  
 19 the cartridge cases to be .40 caliber?  
 20 A. No, no. Cartridge casings I didn't measure. That was  
 21 written on the headstamp by the manufacturer.  
 22 Q. So based on the fact that the cartridge casings have that  
 23 .40 caliber stamp, what kind of gun would expel these cartridge  
 24 cases?  
 25 A. Typically, a .40 caliber firearm.

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MS. BHASKARAN: Ms. Abrams, can you now take down that

enlargement and skip down a bit to the third conclusion regarding deformed bullets 6, 19.

Q. Det. LaCova, can you please read this conclusion for the jury?

A. "Deformed bullets 16 and 19 and deformed fragment 14 were fired from the same firearm -- or the same gun based on sufficient agreement of class and individual characteristics in land and groove impressions."

Q. So, Det. LaCova, these three items were fired from the same gun, is that correct?

A. That is correct.

Q. And you testified that items 16 and 19 were .40 caliber class deformed bullets based on your base measurements, is that correct?

A. Base and weight.

Q. And based on the fact that item 14 was fired from the same gun as items 16 and 19, what conclusions, if any, can you make about the caliber of gun that fired these bullets?

A. It was also fired from a .40 caliber.

Q. Now, based on the evidence that you were given to analyze in this case, can you determine whether the .40 caliber shell casings and the .40 caliber deformed bullets were fired from the same gun?

A. Absent of a firearm to create test-fires in, no, we cannot.

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.357 magnum and .357 sig.

MS. BHASKARAN: Ms. Abrams, can you take down that enlargement and go to the third conclusion on the report -- I'm sorry. The fourth conclusion.

Q. Det. LaCova, could you please read this conclusion for the jury?

A. "Deformed bullets 6, 15, and 17 and 14, 16, and 19 were fired from different guns based on sufficient disagreement of class characteristics."

Q. So Det. LaCova, based on the ballistic evidence that you reviewed in this report, at least how many firearms were used?

A. So, what we would say, again, absence of a firearm for test fires, we have a minimum of two guns and a maximum of three guns. And that would be that, assuming that the .40 caliber bullets and .40 caliber cartridge casings were not fired from the same gun.

Q. And as, I believe, you previously testified, am I right that you were not able to conclude whether the .40 caliber shell casings and .40 caliber bullets were shot from the same gun absent a test-fire?

A. Right, because they touch different parts of the weapon. The bullets go out of the barrel. The cartridge casings are touching the breech face, firing pin, extractor, extractor claw. So they touch different parts of the weapon and they come apart. So if we had an example test-fire firearm that we

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MS. BHASKARAN: Ms. Abrams, can you please take down

that enlargement, and let's go to the conclusions, the second one, regarding deformed bullets 6, 15 and 17.

Ms. Abrams, it's actually the second conclusion in the report. Thank you very much.

Q. Det. LaCova, could you please read this for the jury?

A. "Deformed bullets 6, 15, and 17 were fired from the same gun based on sufficient agreement of class and individual characteristics in land and groove impressions."

Q. Det. LaCova, you previously testified that items 15 and 17 were .38/9 millimeter caliber class, correct?

A. Correct.

Q. Now, based on your -- and I think you also testified that you weren't able to determine the caliber class of item 6, correct?

A. That is correct.

Q. So based on your conclusion that items 6, 15, and 17 were fired from the same gun, can you reach any conclusions about what caliber of gun shot these deformed bullets?

A. They were also fired from a .38/9 millimeter caliber class firearm.

Q. And can you remind the jury what are the types of firearms fall within that class?

A. Well, caliber class of .38/9 millimeter could be as small as a .380 automatic, 9 millimeter; .38 caliber, .38 special,

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can create test-fires with, we would have bullets from that firearm and cartridge casings from that firearm, so those would be our knowns, and then we would be able to look at them up against our unknowns, which would be the evidence. And then we'd be able to make a determination as if they were fired from the same firearm or different ones.

MS. BHASKARAN: Ms. Abrams, can you go back to the first page of the report, and if you could just blow up the middle section from items 1 through 19.

Q. Det. LaCova, in light of your analysis in this case, what's the minimum number of shots that were fired?

A. Minimum number of shots? So, what do we have five cartridge casings? We have 12 cartridge casings, is that correct? And we had three deformed or two deformed bullets. We had 12 .40 caliber cartridge casings. Let me get a little bit more specific. And then we had three deformed bullets that were consistent with .40 caliber cartridge casings or two deformed bullets and one bullet fragment.

So that would be -- if we said that they were all fired from the same gun, that would be a minimum of 12 and a maximum of 15, I believe, in the .40 caliber. And then -- then if we had -- then we have the three .38 or two .38 caliber class and one .38/9 millimeter caliber class bullet fragment, and that would bring it up to about 15 -- 18, I believe.

Q. Assuming that the .40 caliber class shell casings and

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1 bullets were fired from the same gun, is it fair to say that  
2 there's a minimum of 15 shots that were fired?  
3 A. In .40 caliber, yes.  
4 Q. Between the two guns?  
5 A. Yes, that's correct.  
6 MS. BHASKARAN: One moment, your Honor.  
7 No further questions.  
8 THE COURT: Any cross-examination?  
9 CROSS-EXAMINATION  
10 BY MS. MACEDONIO:  
11 Q. Good morning, Det. LaCova.  
12 Can you see me over here?  
13 A. Yeah, I can see you.  
14 Q. OK. I just have a few questions for you.  
15 You testified that it was your conclusion that some of the  
16 evidence that you reviewed came from a .40 caliber gun, is that  
17 correct?  
18 A. That is correct.  
19 Q. And you also testified that you had been a detective in the  
20 New York City Police Department -- I think you said for 24  
21 years, is that right?  
22 A. Well, I was a police officer when I got out of the police  
23 academy, but all totaled, between police officer and detective,  
24 yes, 24 years.  
25 Q. OK. In your experience as a police officer, is it fair to

1 say that a .40 caliber gun was a common gun in New York City?  
2 A. .40 caliber gun is something that we see a lot in the  
3 firearms analysis section, but as a police officer, I did not  
4 see a lot of those.  
5 Q. OK. So in the firearms analysis section of your work, the  
6 .40 caliber gun is not something that's unusual, correct?  
7 A. It is not.  
8 Q. And in your experience and expertise, even throughout the  
9 country, the .40 caliber gun is a common gun, fair to say?  
10 A. Well, I don't really have much experience outside of the  
11 state of New York.  
12 Q. I understand. Perhaps I didn't word my question carefully .  
13 You're testifying here as an expert, correct?  
14 A. That is correct.  
15 Q. OK. And as part of your expertise, you have an  
16 understanding of weapons, correct?  
17 A. That is correct.  
18 Q. And the manufacturing of weapons, correct?  
19 A. Correct.  
20 Q. And as part of your knowledge, are you aware, sir, that the  
21 .40 caliber gun has been produced for years?  
22 A. Yes.  
23 Q. For decades?  
24 A. Yes.  
25 Q. And testifying as an expert, how many .40 caliber guns

1 would you say have been manufactured in this country ?  
2 A. Oh, they're manufactured by multiple companies. So I  
3 couldn't -- I would be guessing on a number, but a lot.  
4 Q. A lot?  
5 A. Yes.  
6 Q. It's not rare, correct?  
7 A. It is not.  
8 Q. And you testified that when you were working with the New  
9 York City Police Department doing ballistics evidence, the .40  
10 caliber gun was also something that was common that you had to  
11 review, right?  
12 A. It is.  
13 Q. And with respect to the .38 caliber conclusions that you  
14 testified to, about today, you said there were multiple guns  
15 that could have ejected those shell casings, is that right?  
16 A. Well, no. I didn't -- I didn't mention anything about  
17 shell casings with the .38/9 millimeter caliber class.  
18 Q. OK. Perhaps I have it wrong.  
19 A. Yeah. I said there was multiple guns in the caliber class  
20 of .38/9 millimeter, multiple different because of the base  
21 measurements that accompany those weapons. So a .380 auto is  
22 generally -- in hundredths of an inch, it's about .353. A .357  
23 magnum is a caliber class, and they're actually using the  
24 barrel -- the barrel measurements in the title of that weapon,  
25 which is .357. So caliber class for those range of bullets go

1 from .353 to about .359 in hundredths of an inch. But in --  
2 with the .380 auto, that's generally a 95, never really going  
3 past 100 grains. So we had, I believe, almost 140-grain  
4 bullets, the ones that were intact, so we could determine that  
5 there are some guns that aren't -- even though they're in that  
6 class of guns, there are some guns that are not capable of  
7 firing a bullet of that size.  
8 Q. OK.  
9 A. I believe I said that earlier.  
10 Q. OK. Your expertise is well beyond my knowledge. I just  
11 have one simple question for you.  
12 A. Yeah.  
13 Q. With respect to the .38 caliber evidence that you testified  
14 about, is it fair to say that that -- the evidence that you  
15 looked at could have come from any number of thousands of  
16 weapons in New York City; it's not coming from a specific  
17 weapon, correct?  
18 A. Well, those -- well, now you're talking about brand name  
19 specific weapon? The ones that I had, the .38 caliber/9  
20 millimeter caliber class, all came from the same weapon.  
21 Q. Understood.  
22 A. They didn't come from multiple weapons.  
23 Q. The evidence didn't come from multiple weapons --  
24 A. Right.  
25 Q. -- right?

1 A. But brand of weapon, I do not, I couldn't tell you which  
 2 brand.  
 3 Q. OK. But backing up a little bit, right, it came from the  
 4 same gun, but in your expertise, can you tell us, generally  
 5 speaking, how many guns have been manufactured that could have  
 6 ejected a bullet of that caliber?  
 7 A. Well, discharge a bullet.  
 8 Q. Discharge it.  
 9 A. Ejection, we're talking about cartridge casings --  
 10 Q. OK.  
 11 A. -- and we didn't have cartridge casings in that respect.  
 12 So typically, absent of cartridge casings and bullets of  
 13 that size, we're probably looking at a revolver of some kind .  
 14 THE COURT: Here's the question. Can you tell us,  
 15 generally speaking, how many guns have been manufactured that  
 16 use .38 caliber --  
 17 MS. MACEDONIO: Have the capacity to produce that  
 18 piece of evidence.  
 19 A. Multiple models within a specific gun company or a brand,  
 20 and multiple brands produce that. So if you're talking about  
 21 how many guns over the course of however long that, that  
 22 caliber class has been around -- probably 75 years or more --  
 23 millions.  
 24 MS. MACEDONIO: Thank you. I have no further  
 25 questions.

1 BY MS. ESPINOSA:  
 2 Q. Good morning, Mr. Lopez.  
 3 A. Good morning.  
 4 Q. Do you go by any nicknames?  
 5 A. Yes.  
 6 Q. What nicknames?  
 7 A. P-Mula.  
 8 Q. How old are you?  
 9 A. I just turned 36.  
 10 THE COURT: Can the jury hear the witness?  
 11 No. So move the microphone -- that's right -- see if  
 12 that works.  
 13 What's your nickname, sir?  
 14 THE WITNESS: P-Mula.  
 15 THE COURT: And how old are you?  
 16 THE WITNESS: Just turned 36 years old.  
 17 BY MS. ESPINOSA:  
 18 Q. Where were you born?  
 19 A. New York City.  
 20 Q. And where did you grow up?  
 21 A. The Inwood area, also known as Dyckman.  
 22 Q. Where do you live right now?  
 23 A. Putnam County Correctional Facility.  
 24 Q. And is that a jail?  
 25 A. Yes.

1 THE COURT: Anything?  
 2 MS. BHASKARAN: No redirect, your Honor.  
 3 THE COURT: All right. Thank you. You're excused,  
 4 Detective. You may step down. Please put your mask on.  
 5 THE WITNESS: Thank you, your Honor. Have a nice day.  
 6 (Witness excused)  
 7 THE COURT: Next witness for the government, please.  
 8 MS. ESPINOSA: The next witness is in custody, your  
 9 Honor. The government calls Peter Lopez.  
 10 THE COURT: I apologize for the delay, ladies and  
 11 gentlemen.  
 12 PETER LOPEZ,  
 13 called as a witness by the government,  
 14 having been duly sworn, testified as follows:  
 15 THE COURT: Good morning, Mr. Lopez. If you would be  
 16 seated there, sir.  
 17 THE WITNESS: Good morning, your Honor.  
 18 THE COURT: And speak slowly, clearly, and directly  
 19 into the microphone. The microphone, as I've told others, is a  
 20 bit sensitive, so when you get too close, there's a  
 21 reverberation. When you move too far back, you can't be heard.  
 22 So you'll find the right spacing.  
 23 Your witness, Ms. Espinosa.  
 24 MS. ESPINOSA: Thank you, your Honor .  
 25 DIRECT EXAMINATION

1 Q. How long have you been in jail?  
 2 A. 59 months.  
 3 Q. And what are you in jail for?  
 4 A. For a gun, gun charge, discharging of firearms, a RICO,  
 5 RICO charge.  
 6 Q. And we'll talk a bit more about some of those later, but  
 7 have you pled guilty to those crimes?  
 8 A. Yes.  
 9 Q. Have you been sentenced yet?  
 10 A. No.  
 11 Q. Before you pled guilty, did you enter into a cooperation  
 12 agreement with the government?  
 13 A. Yes.  
 14 Q. What do you understand that you have to do under that  
 15 agreement?  
 16 A. I have to be truthful and assist the government with  
 17 anything they need assistance with.  
 18 Q. And what are you hoping to gain by cooperating?  
 19 A. At sentencing, I'm hoping to gain a 5K1 letter.  
 20 Q. All right. We'll talk more about that in a minute  
 21 So, you mentioned that you pled guilty to a RICO  
 22 conspiracy, right?  
 23 A. Yes, ma'am.  
 24 Q. Is that also known as a racketeering conspiracy?  
 25 A. Yes.

1 Q. What racketeering conspiracy did you plead guilty to  
 2 participating in?  
 3 A. The 200 Enterprise.  
 4 Q. And what is the 200?  
 5 A. Like, a street gang that's part of, that's in the Dyckman  
 6 area, also known as Inwood.  
 7 Q. Why is it called the 200?  
 8 A. Because Dyckman Street is 200 Street.  
 9 Q. Were you a member of the 200?  
 10 A. No, ma'am.  
 11 Q. What was your involvement with the 200?  
 12 A. Well, I would say I was, like, an associate. I committed  
 13 crimes with the 200s, orchestrated crimes also.  
 14 Q. What types of crimes did you commit with the 200s?  
 15 A. Robberies of drug dealers by force or by something called  
 16 breaking. That's where you sell drugs, fake drugs to drug  
 17 dealers.  
 18 THE COURT: That's where you sell fake drugs to drug  
 19 dealers; that's what you said?  
 20 THE WITNESS: Yes, your Honor.  
 21 BY MS. ESPINOSA:  
 22 Q. And any other crimes that you committed with the 200,  
 23 categories of crimes?  
 24 A. The selling of drugs, assaults.  
 25 Q. Did the 200 have a particular territory?

1 200?  
 2 A. Yes.  
 3 Q. Which gang?  
 4 A. I used to be Trinitario member.  
 5 Q. Did members of the 200 also associate with or join other  
 6 gangs?  
 7 A. Yes. Some of the members of the 200s were either neutral  
 8 that means when you're not affiliated with other gangs. Some  
 9 were Blood members and some were Trinitario members.  
 10 Q. Besides Milton, did you know other members of the 200 ?  
 11 A. Yes.  
 12 Q. Can you name some of the other members of the 200 that you  
 13 associated with the most?  
 14 A. Associated with the most, I would say Yasmil. He wasn't a  
 15 member. He was an associate.  
 16 Banga.  
 17 BY. And a couple more members I don't remember at the  
 18 moment.  
 19 Q. You mentioned Banga. How long have you known him ?  
 20 A. I would say more than ten years.  
 21 Q. Did you ever know him by a name other than Banga ?  
 22 A. Yes.  
 23 Q. What name?  
 24 A. Chris.  
 25 Q. When did you know him as Chris?

1 A. Well, originally, the 200 started in a block that's Academy  
 2 and Post, between Post and Nagle. But then they spread out,  
 3 like, to different parts around the Inwood area, also known as  
 4 Dyckman.  
 5 Q. Who founded the 200?  
 6 A. Milton.  
 7 Q. How do you know Milton?  
 8 A. I grew up with him. He was, like, my best friend  
 9 Q. Do you know Milton's last name?  
 10 A. Chardon.  
 11 Q. Did Milton have any nicknames?  
 12 A. Yes, he had two nicknames. The one was Blanquito. The  
 13 other one was Maybach.  
 14 Q. What was Milton's role in the 200s?  
 15 A. Well, he was the leader. Like, you would call him, like,  
 16 the Big 200.  
 17 MS. ESPINOSA: Ms. Abrams, could you pull up  
 18 Government Exhibit 203, which is already in evidence.  
 19 Q. Mr. Lopez, do you recognize the person in this photograph ?  
 20 A. Yes, ma'am.  
 21 Q. Who is it?  
 22 A. Milton.  
 23 MS. ESPINOSA: All right. Ms. Abrams, you can take  
 24 that down.  
 25 Q. Mr. Lopez, did you associate with any gang other than the

1 A. I would say probably, like, 2010, either a couple years  
 2 after or a couple years before that.  
 3 MS. ESPINOSA: OK. Your Honor, I'd now like to ask  
 4 the witness to do an identification in court.  
 5 THE COURT: All right.  
 6 Would those in the well take their masks off, please.  
 7 BY MS. ESPINOSA:  
 8 Q. Mr. Lopez, do you see Banga anywhere in the courtroom  
 9 today?  
 10 A. Yes, ma'am.  
 11 Q. Could you please identify him by an article of clothing or  
 12 where he is sitting?  
 13 A. He's directly in front of me, to my right of the computer  
 14 that's in front of me. He has a black dress shirt on.  
 15 THE COURT: All right. The witness has identified the  
 16 defendant.  
 17 You may put your masks back on, please.  
 18 MS. ESPINOSA: Thank you, your Honor.  
 19 Q. Mr. Lopez, did you know Banga to be a part of any gang?  
 20 A. Yes.  
 21 Q. What gang?  
 22 A. He was a Blood, a Blood member. Specifically, he was part  
 23 of the Sex Money Murder set.  
 24 Q. And was he a member of any other gang as well?  
 25 A. Well, he was a 200 member also.

- 1 Q. How did you know that Banga was a member of the 200?
- 2 A. He's actually one of the original members, and being,
- 3 like -- I used to be all the time with Milton and hang out with
- 4 Banga also as well, I seen him throw up the 200 sign. That's,
- 5 like, when you do, like, a handshake with other 200 members.
- 6 Q. You said throwing the 200 sign. Could you just explain
- 7 again what that means?
- 8 A. Basically, like, where your hands, you throw up the sign
- 9 that stands for 200, like, letting it be known, like, that's
- 10 your affiliation.
- 11 Q. Mr. Lopez, are you familiar with Instagram?
- 12 A. Yes.
- 13 Q. Have you personally used Instagram?
- 14 A. Yes, ma'am.
- 15 Q. When you were using Instagram, did you post photographs?
- 16 A. Yes.
- 17 Q. Did you review other people's posts on Instagram?
- 18 A. Yes.
- 19 Q. Did you include texts or captions with your posts?
- 20 A. Yes.
- 21 Q. Did you review other people's texts or captions?
- 22 A. Yes.
- 23 Q. Are you familiar with hashtags?
- 24 A. Yes.
- 25 Q. Have you seen or used hashtags on Instagram posts?

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- 1 Milton. The second one is Banga. The third one is Chris. The
- 2 fourth one is Necio. And the fifth one is Tito.
- 3 Q. All right. So just focusing on Milton right now, what is
- 4 he doing with his hand?
- 5 A. Specifically with his left hand, he's throwing up the 200
- 6 sign.
- 7 Q. And what -- turning now to Banga, what is he doing with his
- 8 hands?
- 9 A. He's holding two imaginary guns on both hands.
- 10 MS. ESPINOSA: You can take that down, Ms. Abrams.
- 11 Thank you.
- 12 Q. Mr. Lopez, you testified that you committed crimes with the
- 13 200, right?
- 14 A. Yes, ma'am.
- 15 Q. And I think you said robbery, breaking, drug dealing, and
- 16 assault, is that right?
- 17 A. Yes.
- 18 Q. All right. Let's take those one at a time. What is
- 19 breaking?
- 20 A. Well, breaking is when you convince a drug dealer to buy
- 21 fake drugs off of you. So an example is a guy could want
- 22 cocaine and you give him fake cocaine, where it would be soap,
- 23 flour, anything you could make a fake kilo out of.
- 24 Q. Approximately how many times did you break?
- 25 A. A lot of times. Too many times to count.

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- 1 A. I might have used hashtags, but I seen them all the time
- 2 and I know what they are.
- 3 Q. OK. And are you familiar with slang terms used by gang
- 4 members?
- 5 A. Yes.
- 6 MS. BHASKARAN: Ms. Abrams, can you please pull up
- 7 what's in evidence as Government Exhibit 304.
- 8 And Ms. Abrams, could you please go to the next page
- 9 and then call out, or highlight, the username.
- 10 Q. Mr. Lopez, can you read that username there?
- 11 A. Prettiestgangsta200.
- 12 Q. Are you familiar with that Instagram account?
- 13 A. Yes.
- 14 Q. Do you know whose it is?
- 15 A. Yes.
- 16 Q. Whose is it?
- 17 A. Banga's. I had him as a friend on Instagram.
- 18 MS. BHASKARAN: Thank you.
- 19 Ms. Abrams, you can take that down, and please go back
- 20 to the prior page of that exhibit. I apologize. 304.
- 21 Q. All right. Mr. Lopez, do you recognize any of the people
- 22 in that photo?
- 23 A. Yes.
- 24 Q. Going from left to right, can you please identify them?
- 25 A. Going from left to right, on -- the person on the left is

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- 1 Q. Did you break with other people?
- 2 A. Yes, ma'am.
- 3 Q. And were any of those people members of the 200?
- 4 A. Yes.
- 5 Q. Which 200 members did you break with?
- 6 A. Milton; Banga; Yasmil, who is an associate, not a member;
- 7 Little Jeremy. I'm pretty sure there's more people I can't
- 8 remember at the moment.
- 9 MS. ESPINOSA: All right. Ms. Abrams, can you show to
- 10 the witness, Court, and counsel Government Exhibit 510.
- 11 Q. Mr. Lopez, do you recognize this person?
- 12 A. Yes, ma'am.
- 13 Q. Who is it?
- 14 A. Yasmil.
- 15 MS. ESPINOSA: The government offers Government
- 16 Exhibit GX510 into evidence.
- 17 MR. SCHNEIDER: No objection.
- 18 THE COURT: Admitted.
- 19 (Government Exhibit 510 received in evidence)
- 20 MS. ESPINOSA: Ms. Abrams, can you please publish.
- 21 All right. Ms. Abrams, you can take that down. Thank
- 22 you.
- 23 Q. Mr. Lopez, you said that you broke with Banga, right?
- 24 A. Yes, ma'am.
- 25 Q. Do you remember any particular times that you broke with

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1 **Banga?**  
 2 **A. I remember one specific time I broke with him.**  
 3 **Q. When, approximately, did that happen?**  
 4 **A. I specifically remember the date because it was Yasmil**  
 5 **mother's funeral.**  
 6 **Q. And how -- what happened when you and Banga broke ?**  
 7 **A. I remember I was at the funeral, and he called me and told**  
 8 **me he had a guy from Sunset, Brooklyn, that wanted, like, five**  
 9 **or six pounds of weed.**  
 10 **Q. And so what did you do next after he told you that ?**  
 11 **A. I left the funeral and picked him up and I made five or six**  
 12 **fake pounds of weed with rabbit chow, and we drove to Brooklyn**  
 13 **and we ended up selling the guys the fake weed , and the guy**  
 14 **gave us, like, 10- to \$12,000.**  
 15 **Q. Did Banga go to Brooklyn with you for this transaction ?**  
 16 **A. Yes, ma'am.**  
 17 **Q. When you were breaking, did those transactions ever turn**  
 18 **violent?**  
 19 **A. Most of the time, no, but I think I remember one specific**  
 20 **time where it kind of turned violent.**  
 21 **Q. Can you tell us what happened that time?**  
 22 **A. I was -- in this one Banga was not with me. I was in North**  
 23 **Carolina and some guy was sitting in the car with his boy's**  
 24 **money for a kilo of cocaine. He had, like, \$35,000 on him, and**  
 25 **his boy was in the house checking the fake kilo, and the guy --**

1 **Q. And who did you do that -- who were you going to do that**  
 2 **robbery with, just Banga , or were there other people involved ?**  
 3 **A. No. Me, Banga, Raymito, and one of Raymito's girls.**  
 4 **MS. ESPINOSA: All right. Ms. Abrams, can you please**  
 5 **show for the witness, Court, and counsel Government Exhibit**  
 6 **506.**  
 7 **Q. Mr. Lopez, do you recognize this person?**  
 8 **A. Yes, ma'am.**  
 9 **Q. Who is it?**  
 10 **A. Raymito.**  
 11 **MS. ESPINOSA: The government moves to admit**  
 12 **Government Exhibit 506.**  
 13 **MR. SCHNEIDER: No objection.**  
 14 **THE COURT: Admitted.**  
 15 **(Government Exhibit 506 received in evidence)**  
 16 **MS. ESPINOSA: May we publish, please?**  
 17 **THE COURT: Yes.**  
 18 **Next question.**  
 19 **MS. ESPINOSA: Thank you, your Honor.**  
 20 **Ms. Abrams, you can take that down.**  
 21 **Q. Where was this robbery to take place, Mr. Lopez?**  
 22 **A. I believe it was on Riverside Drive between, like, 135th**  
 23 **and 136th Street.**  
 24 **Q. All right. And can you describe what the plan was?**  
 25 **A. The plan was to -- well, the guy -- his name was Alski. He**

1 **after we had the money in our hands, I'm in the driver's seat,**  
 2 **he, he says he's going to check if his boy's all right, but**  
 3 **he's going to take the money with him. So he had one foot out**  
 4 **the car and one foot in. So my boy that was in the back seat**  
 5 **kicked him out the car, and I drove off and we basically, like,**  
 6 **slammed into a parked car.**  
 7 **Q. And when you say your boy in the back seat, who was that ?**  
 8 **A. I specifically can't remember at the moment.**  
 9 **Q. OK. Mr. Lopez, did you ever use weapons while you were**  
 10 **breaking?**  
 11 **A. No.**  
 12 **Q. Did you ever hurt anyone while you were breaking, other**  
 13 **than the occasion you just described of throwing someone out of**  
 14 **the car?**  
 15 **A. No.**  
 16 **Q. You said you committed robberies with members of the 200,**  
 17 **right?**  
 18 **A. Yes, ma'am.**  
 19 **Q. Approximately how many robberies did you do with the 200 ?**  
 20 **A. Give or take, like, five.**  
 21 **Q. Which members of the 200 did you do robberies with?**  
 22 **A. Specifically, one of them is Banga.**  
 23 **Q. Can you tell us about that time? When did that happen ?**  
 24 **A. Well, one time we were going to rob a guy we used to be**  
 25 **cool with for his Rolex.**

1 **was on federal probation, so we knew what time he had to come**  
 2 **back because he had a ankle bracelet . And me and Raymito**  
 3 **stayed in the car, and I told Banga where to stand and wait for**  
 4 **him. And he waited for him in the front of the building but**  
 5 **Alski ended up coming through the back, and we missed the**  
 6 **opportunity. It wasn't successful.**  
 7 **Q. Did anyone bring a gun to that robbery?**  
 8 **A. Yes.**  
 9 **Q. Who brought a gun?**  
 10 **A. Banga.**  
 11 **Q. How do you know he had a gun?**  
 12 **A. Because I seen him when he was in the car.**  
 13 **Q. Did you and Banga ever attempt or do any other robberies ?**  
 14 **A. Yes, we had another robbery, but it was not successful as**  
 15 **well.**  
 16 **Q. When did that one happen?**  
 17 **A. That one I would say happened before the robbery that I**  
 18 **just spoke about.**  
 19 **Q. And who was involved in that robbery?**  
 20 **A. Me; Raymito; again, one of his girls, but not the same one.**  
 21 **And there was another driver in that robbery. I don't remember**  
 22 **the person that was driving the car.**  
 23 **Q. And Mr. Lopez, where was this robbery going to happen?**  
 24 **A. It was going to happen in, I believe, like, around 215 and**  
 25 **Nagle, around where the sanitation, like, the garbage trucks**



1 park, and across from there is, like, a little bar, like, a  
 2 hookah lounge-type thing.  
 3 Q. And what was the plan for this robbery?  
 4 A. The girl was on a date with the guy and the guy was  
 5 supposed to come out with a big chain on him , and the plan was  
 6 to relieve him of the chain.  
 7 Q. When you say the girl was on a date with the guy, which guy  
 8 are you referring to?  
 9 A. Well, I don't know the guy, but supposedly the guy was from  
 10 the Bronx. But I guess the guy kind of didn't trust the girl,  
 11 so he came with his friend so it was like a third wheel as a  
 12 date.  
 13 Q. And is the guy, is that the person you were intending to  
 14 rob?  
 15 A. Yes, ma'am.  
 16 Q. Did anyone bring a gun to this robbery?  
 17 A. Yes, ma'am.  
 18 Q. Who brought a gun?  
 19 A. Banga.  
 20 Q. How do you know he had a gun?  
 21 A. Because he was in the back seat with me while we was  
 22 planning out the robbery and talking about it, and I seen it.  
 23 It was a big black automatic gun.  
 24 Q. And what happened during this robbery?  
 25 A. Well, Raymito stayed in the car with the driver . Me and

1 him got out, and we waited, like, at the entrance, like a, like  
 2 where there's, like, stairs leading up to the 215 train  
 3 station. And the girl had already texted him and said that,  
 4 that they was about to come out. So we waited literally in  
 5 front of the car. The guy's friend got in the driver's seat.  
 6 The girl got in behind him, and the guy with the chain went  
 7 around the car to get in the passenger's seat. And I tried to  
 8 grab him, and Banga pulls out the gun on him, but the guy was  
 9 fast and he ran off, so we didn't get to rob him.  
 10 Q. All right. And I just want to clarify a couple of things.  
 11 You said that you and one other person got out of the car  
 12 to wait for the guy. Who was the person that got out of the  
 13 car with you?  
 14 A. Banga.  
 15 Q. Now, let's talk a little bit about home invasions.  
 16 Did you do any home invasions with members of the 200 ?  
 17 A. One home invasion I remember was with Yasmil -- well, two,  
 18 and he's not a member. He's an associate.  
 19 Q. Are you familiar with a person known as Epps?  
 20 A. Yes, ma'am.  
 21 Q. Who is Epps?  
 22 A. A guy that lives on Academy between Post and Sherman that ,  
 23 he's known to, like, hold drugs for drug dealers.  
 24 Q. And Academy between Post and Sherman, is that part of the  
 25 200's territory?

1 A. Yes, because it's on Academy and Post.  
 2 Q. All right. So did you do a home invasion of Epps ?  
 3 A. Yes.  
 4 Q. Who was involved in that?  
 5 A. The first time it was me and Yasmil . And he brought a guy  
 6 that didn't speak English from the Bronx, a light-skinned guy.  
 7 Q. What happened when you got to Epps's home?  
 8 A. Well, we waited inside, and when he got to his door, we  
 9 pushed him in, and his mother ended up getting tied up, and  
 10 him.  
 11 Q. Did anyone get hurt on that occasion?  
 12 A. I know the mother didn't get hurt, but I'm pretty sure Epps  
 13 got roughed up.  
 14 Q. Did you or anyone else you were with carry a weapon to the  
 15 home invasion?  
 16 A. Yes.  
 17 Q. Who had a weapon?  
 18 A. Me and Yasmil didn't have a gun on us, but I know there was  
 19 a gun in the equation. I know the other guy had one.  
 20 Q. Did you steal anything during that home invasion ?  
 21 A. Well, what we was looking for wasn't there, so, like, we  
 22 ended up, like, taking a whole bunch of, like, petty things.  
 23 Q. What were you looking for?  
 24 A. Like, 20 or 30 pounds of marijuana.  
 25 Q. Did you ever do a second home invasion of Epps?

1 A. Yes.  
 2 Q. And who was involved that time?  
 3 A. Me, Yasmil, and two guys that he brang along that I didn't  
 4 know.  
 5 Q. What was your role in that home invasion?  
 6 A. I provided the gun. It was a compact .45. Me and Yasmil  
 7 stayed in the car while the other two guys went upstairs.  
 8 Q. What happened when the other two guys went upstairs ?  
 9 A. Well, when I saw Epps going in, Yasmil called him and let  
 10 him know he was going upstairs, and again, he got pushed  
 11 inside. He got tied up, and this time we was looking for,  
 12 like, three or four kilos of cocaine. And they couldn't find  
 13 it, but we were sure it was there. So the guys ended up -- his  
 14 mother and him was already tied up. We ended up burning his  
 15 ear with a iron, and basically the robbery was unsuccessful,  
 16 but, like, I would say between 50 and a hundred grams of  
 17 cocaine was found and a .25 two-shot Dillinger gun was found  
 18 and I ended up keeping the gun, and the two guys that went  
 19 upstairs kept the cocaine.  
 20 Q. Mr. Lopez, you said you committed assaults with members of  
 21 the 200, right?  
 22 A. Yes.  
 23 Q. Which members of the 200 did you commit assaults with?  
 24 A. I can't remember right now.  
 25 (Continued on next page)

1 Q. Did you ever commit any assaults with Banga?  
 2 A. No.  
 3 Q. Are you familiar with a person known as Skrilla?  
 4 A. Yes.  
 5 Q. Who is Skrilla?  
 6 A. Now I remember an assault I committed with the 200s.  
 7 Q. Go ahead.  
 8 A. Skrilla is a guy that was part of that robbery. He ended  
 9 up getting slashed in the face and getting his jewelry robbed .  
 10 And my part in the robbery is we was drunk, we came out of the  
 11 club and we seen him, and I backed down the bouncers with a  
 12 gun, I believe it was a .25 caliber pistol, while the other  
 13 guys beat him up and cut him up and took his jewelry .  
 14 Q. And who were the other guys that were involved?  
 15 A. Milton, Yasmil was there but he wasn't involved. It was  
 16 definitely more people. I can't remember at the moment.  
 17 Q. Okay.  
 18 A. Probably like two or three more people. Raymito was  
 19 involved, too, sorry.  
 20 Q. Let's take a step back. What was your understanding of the  
 21 200's reputation when they were first founded?  
 22 MR. SCHNEIDER: Objection.  
 23 THE COURT: Just a moment. Sustained as phrased.  
 24 MS. ESPINOSA: May I have one moment, your Honor?  
 25 THE COURT: Yes.

1 (Counsel confer)  
 2 BY MS. ESPINOSA:  
 3 Q. Mr. Lopez, did you have an understanding of the 200's  
 4 reputation?  
 5 MR. SCHNEIDER: Objection.  
 6 THE COURT: I will allow that.  
 7 Q. You can answer.  
 8 Did you have an understanding -- I'm not asking what  
 9 the understanding was yet. I'm saying did you have an  
 10 understanding of the 200's reputation?  
 11 A. Yes, ma'am.  
 12 Q. What was your understanding of that reputation in  
 13 2012-2013?  
 14 MR. SCHNEIDER: Objection.  
 15 THE COURT: Yes, if you had one at that time.  
 16 A. Yes. My understanding was I personally felt like they were  
 17 a joke, they wasn't really like anything to be worried about  
 18 during those years.  
 19 Q. And did there come a time when your view of the 200  
 20 changed?  
 21 A. Yes.  
 22 Q. When was that?  
 23 MR. SCHNEIDER: Again --  
 24 THE COURT: I understand the objection. I'm going to  
 25 permit it.

1 Q. When did your view of the 200 change?  
 2 A. My view changed when I was released from jail, from prison.  
 3 Q. When were you released from prison?  
 4 A. 2014.  
 5 Q. You were released 2014?  
 6 A. Oh, sorry, I was released 2015. I went in 2014.  
 7 Q. Why were you in jail that time?  
 8 A. For a weapons charge.  
 9 Q. And how much time were you sentenced to?  
 10 A. One and a half to three years, but I was eligible for the  
 11 SHOCK program. It's like a boot camp like jail alternative.  
 12 So I ended up doing a total, with the time I waited in Rikers  
 13 Island and in reception, like eight months.  
 14 Q. And you said you got out in 2015, is that right?  
 15 A. Yes, ma'am.  
 16 Q. While you were in the SHOCK program, were you able to  
 17 communicate with anybody outside of the SHOCK program?  
 18 A. In SHOCK you are allowed a five-minute phone call once a  
 19 month and that's like after like your third month, I believe.  
 20 Q. After you got out of the SHOCK program in 2015, did you see  
 21 any members of the 200?  
 22 A. Yes, ma'am.  
 23 Q. Who did you see first from the 200?  
 24 A. Well, the first person I saw was Milton.  
 25 Q. When did you see Milton?

1 A. Like literally the second day I was released.  
 2 Q. What did you and Milton do at that time?  
 3 A. Drive around and like talk about a whole bunch of stuff,  
 4 like girls and what's been going on in the neighborhood.  
 5 Q. Did Milton tell you at all about what was going on with the  
 6 200?  
 7 A. Yes.  
 8 Q. What did Milton tell you about the 200 during that  
 9 conversation?  
 10 A. Well, the first thing we talked about was Ito, how he's in  
 11 jail for a murder he didn't commit.  
 12 Q. And who is Ito?  
 13 A. Like one of the first members from the 200.  
 14 Q. Ms. Abrams, can you please pull up Government Exhibit 502,  
 15 which is already in evidence.  
 16 Mr. Lopez, do you recognize this person?  
 17 A. Yes.  
 18 Q. Who is it?  
 19 A. Ito.  
 20 Q. All right. So Ms. Abrams, you can take that down. Thank  
 21 you. You can take it down.  
 22 All right, Mr. Lopez, you said that Milton told you that  
 23 Ito was in jail for a murder that he didn't commit, is that  
 24 right?  
 25 A. Yes.

1 Q. Did Milton tell you anything else about that murder?  
 2 A. Yes. He told me that it was there -- I mean that he was  
 3 there and that him and Banga were shooting.  
 4 Q. Who and Banga were shooting?  
 5 A. Ito and Banga, not Milton.  
 6 Q. And what else did he tell you about what happened during  
 7 the murder?  
 8 A. An innocent bystander ended up getting killed.  
 9 Q. Did Milton tell you where the murder happened?  
 10 A. Yes.  
 11 Q. Where did he say it happened?  
 12 A. Up the hill, which is the Washington Heights area.  
 13 Q. Mr. Lopez, are you aware of any other gangs operating in  
 14 the Washington Heights area?  
 15 A. Well, it's mostly Trinitario members. There might be some  
 16 other gang members, but mostly Trinitario.  
 17 Q. Did Milton tell you anything else about the murder?  
 18 A. Well, basically that Ito is in jail fighting the case and  
 19 he didn't do it, so he most likely will go to trial. But if he  
 20 goes to trial and wins, all of them are going to get  
 21 indicted -- I mean, sorry, if he goes to trial -- yeah, if he  
 22 goes to trial and wins, all of them will get indicted. But if  
 23 he pleads guilty, he is taking one for the team, he said.  
 24 Q. And who did Milton say did the murder?  
 25 A. Banga.

1 was?  
 2 A. Before that murder, he had a good reputation, like, he had  
 3 his respect in the neighborhood.  
 4 Q. Did Banga's reputation change after the murder?  
 5 A. Yes.  
 6 Q. How did it change?  
 7 A. Well, basically, like, when he was seen in the neighborhood  
 8 you would see him and know that he, like, basically had a  
 9 murder and he wasn't in jail for it, he is free.  
 10 Q. And what was Banga's role in the 200? What did he do with  
 11 the 200?  
 12 A. I wouldn't say he had a specific role, but like different  
 13 members was known, like, some tougher than others, some, like,  
 14 you know, I would say that he was known for, like, carrying  
 15 guns, carrying blades, like basically he is one of the few that  
 16 I would say that didn't play.  
 17 Q. And when you say "didn't play," what do you mean by that?  
 18 A. Like, by that I mean, like, basically, like I said earlier,  
 19 he had his respect, and like basically if you crossed the line,  
 20 like, he would do something to you.  
 21 Q. Mr. Lopez, you said that Banga was known for having guns.  
 22 Did you ever see him with guns other than the two occasions  
 23 that you described earlier?  
 24 A. I can't specifically remember, but it's possible, but I  
 25 can't specifically remember. But I know there was a video

1 Q. Did you talk to Milton about the murder more than once?  
 2 A. Yes.  
 3 Q. How many times did you talk to Milton about the murder?  
 4 A. I can't specifically remember how many times, but I was  
 5 always with him in New York and out of state breaking, so,  
 6 like, Ito would call him all the time from Rikers Island and  
 7 then the conversation would pop up.  
 8 Q. Did you ever talk to Banga directly about the murder?  
 9 A. I can't specifically remember him talking to me, like,  
 10 about that murder with any details.  
 11 Q. Okay.  
 12 A. But I might have brought up, like, why he cut his hair when  
 13 I came out, because I noticed he cut his hair.  
 14 Q. All right. We will get to that in a second.  
 15 Mr. Lopez, did you have an understanding of what Ito's  
 16 reputation was in the 200 when you -- before you went to jail  
 17 in 2014?  
 18 A. Yes. I would say he didn't have a reputation.  
 19 Q. Do you know whether Ito's reputation changed after the  
 20 murder?  
 21 A. Yeah. I would say his reputation got better. By "better"  
 22 I mean like basically he got gangster points. Whether he did  
 23 the murder or not, he is in Rikers Island fighting a murder  
 24 case.  
 25 Q. Mr. Lopez, did you know what Banga's reputation in the 200

1 floating around Instagram where he was pistol-whipping a little  
 2 kid.  
 3 Q. And did you personally see that video?  
 4 A. Yes, ma'am.  
 5 Q. Did you ever see Banga with a type of weapon other than a  
 6 gun?  
 7 A. Yes.  
 8 Q. What type of weapon?  
 9 A. A blade, specifically a gemstar, like the box cutter.  
 10 Q. And where would Banga keep the blade?  
 11 A. Under his tongue.  
 12 Q. And what's your understanding of why someone would keep a  
 13 blade in that location?  
 14 A. Well, that originates from jail. It's like you could spit  
 15 it out fast and cut somebody. And also, like, if you are  
 16 getting searched by an officer, whether it be a corrections  
 17 officer or an NYPD officer, they probably won't find it.  
 18 Q. All right. Ms. Abrams, can you please pull up Government  
 19 Exhibit 317B and play the video.  
 20 (Video played)  
 21 Q. Mr. Lopez, do you recognize the person in that video?  
 22 A. Yes.  
 23 Q. Who is it?  
 24 A. Banga.  
 25 Q. What, if anything, do you see in his mouth?

1 A. Razor, gemstar razor.  
 2 Q. Did you ever personally see Banga with a gemstar razor in  
 3 his mouth like that?  
 4 A. Yes, all the time.  
 5 Q. All right. Ms. Abrams, you can take that down.  
 6 Mr. Lopez --  
 7 THE COURT: Is that an exhibit or no?  
 8 MS. ESPINOSA: Yes, your Honor.  
 9 THE COURT: Were you just showing it to him?  
 10 MS. ESPINOSA: Yes. Were you able to see it, your  
 11 Honor?  
 12 THE COURT: Play it again, please  
 13 MS. ESPINOSA: It is Government Exhibit 317B. And you  
 14 can show it to the jury as well.  
 15 (Video played)  
 16 THE COURT: All right. Proceed.  
 17 How much longer do you have with this witness?  
 18 MS. ESPINOSA: I probably have another 20 to 30  
 19 minutes, your Honor.  
 20 THE COURT: All right. Why don't we take our  
 21 mid-morning break if this is a logical time.  
 22 MS. ESPINOSA: Yes.  
 23 THE COURT: Because the jury's been here an hour and a  
 24 half. Why don't we take a mid-morning break. Take 15 minutes,  
 25 ladies and gentlemen.

1 (Jury not present)  
 2 THE COURT: All right. 15 minutes. You may step  
 3 down, sir.  
 4 (Recess)  
 5 THE COURT: Okay. Bring the jury in.  
 6 You may be seated in the courtroom. Sir, you may be  
 7 seated until the jury enters.  
 8 (Continued on next page)  
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1 (Jury present)  
 2 THE COURT: Jury entering. Please rise.  
 3 You may be seated in the courtroom.  
 4 You may continue with your direct examination,  
 5 Ms. Espinosa.  
 6 MS. ESPINOSA: Thank you, your Honor.  
 7 BY MS. ESPINOSA:  
 8 Q. Mr. Lopez, we were talking before the break about Banga's  
 9 reputation in the 200. Do you remember that?  
 10 A. Yes, ma'am.  
 11 Q. And how did his reputation change after the murder?  
 12 A. I would say it got better.  
 13 Q. And what about the 200s as a whole? Did their reputation  
 14 change after the murder?  
 15 A. Yeah, I would say definitely, yes.  
 16 Q. How did it change?  
 17 A. Well, basically, you are not looking at them anymore like a  
 18 fake street gang. You are seeing them as like some kids that  
 19 possibly can kill you.  
 20 Q. And did the 200's territory change after the murder?  
 21 A. I would say yes.  
 22 Q. How did it change?  
 23 A. Well, once I was released from prison, I noticed they  
 24 weren't -- I noticed that they weren't just at Academy and  
 25 Post. They were like basically all over the Inwood Dyckman

1 area.  
 2 Q. And did the number of people in the 200 change after the  
 3 murder?  
 4 A. Yes.  
 5 Q. How did that change?  
 6 A. Basically multiplied.  
 7 Q. Before you went to jail in 2014, what did Banga's hair look  
 8 like?  
 9 A. He had long dreadlocks.  
 10 Q. Ms. Abrams, can you pull up what is in evidence as  
 11 Government Exhibit 303.  
 12 Mr. Lopez, do you recognize the person in this photo?  
 13 A. Yes.  
 14 Q. Who is it?  
 15 A. Banga.  
 16 Q. Can you describe his hair in this photo?  
 17 A. He has long dreadlocks to his shoulders.  
 18 Q. And Ms. Abrams, can you please go to the next page. And  
 19 please highlight -- actually this is the wrong -- you can take  
 20 this down.  
 21 Mr. Lopez, when you got out of jail in 2015, what was  
 22 Banga's hair like?  
 23 A. Short with waves.  
 24 Q. Ms. Abrams, can you please pull up Government Exhibit 305.  
 25 Mr. Lopez, do you recognize anyone in this photo ?

- 1 A. Yes.  
 2 Q. Who do you recognize?  
 3 A. To the left I notice that's a guy named Smiley.  
 4 Q. Can you describe what Smiley's wearing?  
 5 A. A red Skully hat. That's like a winter cap.  
 6 Q. And do you recognize anyone else?  
 7 A. Nah. I don't recognize the other guy.  
 8 Q. What about --  
 9 A. He looks familiar, but I don't know the name.  
 10 Q. Do you recognize the person in the center of the photo?  
 11 A. Yes, ma'am.  
 12 Q. Who is that?  
 13 A. Banga.  
 14 Q. And can you describe his hair in this photo?  
 15 A. Short with waves.  
 16 Q. Did you see him with his hair like this?  
 17 A. Yes, ma'am.  
 18 Q. When?  
 19 A. After I was released in 2015.  
 20 Q. What is your understanding of why Banga cut his hair?  
 21 MR. SCHNEIDER: Objection.  
 22 THE COURT: Just a moment.  
 23 Sustained.  
 24 BY MS. ESPINOSA:  
 25 Q. Mr. Lopez, did you ever talk to a member of the 200 about

- 1 Banga cutting his hair?  
 2 A. Yes.  
 3 Q. Who did you talk to?  
 4 A. Milton.  
 5 Q. What did Milton tell you about Banga's hair?  
 6 A. That he cut his hair after the murder because there was a  
 7 picture floating around of him wearing a Burberry shirt with  
 8 long dreadlocks like accusing him of murder.  
 9 Q. And so did Milton say why Banga cut his hair after that  
 10 picture was floating around?  
 11 A. To change his appearance.  
 12 Q. All right. Ms. Abrams, can we go to the next page of  
 13 Government Exhibit 305. Could you please highlight the top  
 14 portion. Thank you. And could you highlight the user name,  
 15 the handle, I apologize.  
 16 Mr. Lopez, could you read that, please?  
 17 A. PrettiestGangsta.  
 18 Q. Could you read the whole thing, please?  
 19 A. "(1532866412) [Pretty Boy Banga a/k/a The Bang Man]."  
 20 Q. Ms. Abrams, could you please highlight the text following  
 21 the word "text" at the bottom of this portion.  
 22 And before we do that, Mr. Lopez, could you remind us  
 23 whose Instagram account this is?  
 24 A. Banga's Instagram.  
 25 Q. Could you please read the highlighted text?

- 1 A. "Me and big bro bouta eat swell @cucaracha6530 #topgoonz  
 2 #tripleM #200Gz #SF."  
 3 Q. Now, Mr. Lopez, you testified earlier that you were  
 4 familiar with the use of hashtags on Instagram, right?  
 5 A. Yes, ma'am.  
 6 Q. And you testified as well that you are familiar with the  
 7 slang used by gang members?  
 8 A. Yes.  
 9 Q. Are you familiar with hashtags used by gang members?  
 10 A. Yes.  
 11 Q. And what is your understanding of what #TopGoonz means?  
 12 A. Well TopGoonz means, like, top gangsters.  
 13 Q. And what is your understanding of what #200Gz means?  
 14 A. That means 200 gangsters.  
 15 Q. Thank you, Ms. Abrams. You can put this down, and please  
 16 pull up Government Exhibit 307.  
 17 Mr. Lopez, do you recognize anyone in this photo?  
 18 A. Yes.  
 19 Q. Who do you recognize?  
 20 A. His cousin -- Banga's cousin Tito to the left, and to the  
 21 right Banga.  
 22 Q. And could you please describe what they are each doing with  
 23 their right hands?  
 24 A. With their right hand, they are both holding imaginary  
 25 guns.

- 1 Q. And what are they doing with their left hands?  
 2 A. Throwing up the 200 sign.  
 3 Q. All right. Ms. Abrams, can you please go to the next page  
 4 of this exhibit and could you please highlight or call out the  
 5 text of the top comment.  
 6 And Mr. Lopez, could you please read the words that  
 7 follow the word "text" in this portion.  
 8 A. Yes. "We gon chase this chicken till the sun comes out  
 9 #RIPChiki #FreeIto, #FreeDrotty @MrFuckYourBitch." Excuse my  
 10 language.  
 11 Q. All right. Mr. Lopez, what is your understanding of what  
 12 "we gon chase this chicken till the sun comes out" means.  
 13 A. Basically going to chase this money until the sun comes up  
 14 Q. So does chasing chicken mean chasing money?  
 15 A. Yes, ma'am.  
 16 Q. What is your understanding of what #FreeIto means?  
 17 A. That they are wishing for him to get released; not like  
 18 they are physically going to bring him out of jail, but they  
 19 are wishing for his release.  
 20 Q. When you say "his," who do you mean?  
 21 A. Ito.  
 22 Q. Ms. Abrams, you could take that down and please pull up  
 23 Government Exhibit 312.  
 24 Mr. Lopez, do you recognize the person in this photo?  
 25 A. Yes, ma'am.



1 Q. Who is it?  
 2 A. Ito.  
 3 Q. And Ms. Abrams, could you please go to the next page and  
 4 call out the caption on this post. Could you please highlight  
 5 the user name.  
 6 Mr. Lopez, could you read the highlighted text?  
 7 A. PrettiestGangsta200.  
 8 Q. And now, Ms. Abrams, could you please highlight the caption  
 9 itself after the word "text."  
 10 Could you please read that, Mr. Lopez?  
 11 A. "Free my lil bro #FreeIto #RIPChiki."  
 12 Q. Ms. Abrams, you can take that down. Could you please pull  
 13 up Government Exhibit 322.  
 14 Mr. Lopez, do you recognize the person in this photo?  
 15 A. Yes, ma'am.  
 16 Q. Who is it?  
 17 A. Banga.  
 18 Q. And can you please describe Banga's hair in this photo ?  
 19 A. He has long dreadlocks.  
 20 Q. And what kind of shirt is he wearing?  
 21 A. Long sleeve Burberry shirt with the Burberry print on it.  
 22 Q. Do you know earlier you told us that there was a photo  
 23 floating around of Banga in a Burberry shirt?  
 24 A. Yes, ma'am.  
 25 Q. And to your -- did you see that photo?

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1 working, so you can just describe him by an article of  
 2 clothing.  
 3 A. He has his arms crossed and he is wearing a black T-shirt  
 4 and red shorts.  
 5 Q. And then do you recognize anyone else?  
 6 A. Yes, kneeling down I recognize Kev.  
 7 Q. Anyone else?  
 8 A. Next to him Banga.  
 9 Q. And do you recognize anyone else in this photo ?  
 10 A. That's it.  
 11 Q. All right. Ms. Abrams, you can take down the callout and  
 12 then please go to the next page of this exhibit and could you  
 13 please highlight the text at the top, in the top comment.  
 14 All right. Mr. Lopez, could you please read the text  
 15 that follows the word "text."  
 16 A. Yes. "I was up on da block with a Glock in my hand making  
 17 sure niggaz made it home safe. #10Toez #TailorMade."  
 18 Q. What was your understanding of what "I was up on da block  
 19 with a Glock in my hand" means?  
 20 A. Basically he was on the block strapped.  
 21 Q. When you say "strapped," what do you mean by that?  
 22 A. You have a gun on you, on your person.  
 23 Q. And what is your understanding of what #10Toez means?  
 24 A. Well, #10Toez, I would say, like, that means, like, 10Toez  
 25 down, like, staying firm, not snitching or cooperating.

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1 A. Yes, I saw that photo myself.  
 2 Q. And is this photo similar to that photo?  
 3 A. It's the same exact photo.  
 4 Q. All right. Ms. Abrams, can you please go to the next page  
 5 of this exhibit and call out the text at the top.  
 6 Mr. Lopez, can you please read what follows the word  
 7 "text"?  
 8 A. "TBT".  
 9 Q. What is your understanding of what "TBT" means?  
 10 A. That means "throw back Thursday," like an old picture.  
 11 Q. So you said that means that it's an old picture?  
 12 A. Yes, a picture from the past.  
 13 Q. And Mr. Lopez, could you please read the "date created on"  
 14 just above the letters TBT?  
 15 A. Yes, 2018 February 9.  
 16 Q. Ms. Abrams, can you take that down and put up Government  
 17 Exhibit 324. And could you just zoom in on the photograph.  
 18 Mr. Lopez, do you recognize anyone in this photo?  
 19 A. Couple people, yes, ma'am.  
 20 Q. Could you please point out ones you recognize starting on  
 21 the left of the photo and working towards the right .  
 22 A. To the left I recognize Smiley.  
 23 Q. And what's Smiley wearing? Could you just tell us which  
 24 one or, actually, you should be able to circle with your finger  
 25 on the screen, could you circle Smiley? It appears that's not

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1 Q. And looking at the user name at the top of this portion,  
 2 could you please read just the user name.  
 3 Could you highlight that Ms. Abrams? Thank you .  
 4 A. PrettiestGangsta200.  
 5 Q. Ms. Abrams, you can take that down.  
 6 Could you please pull up Government Exhibit 325 and go to  
 7 the next page. Could you please call out the top portion of  
 8 that page. And Mr. Lopez, could you please read the text  
 9 following "body"?  
 10 A. Yes. "If anybody jacking my 2hunnit shit and not doing  
 11 right by Georgy daughter a dub and to stop jacking my shit  
 12 gangsta."  
 13 Q. What is your understanding of what "if anybody jacking my  
 14 2hunnit shit" means?  
 15 A. Like anybody claiming 200.  
 16 Q. What is your understanding of what "jacking" means in this  
 17 context?  
 18 A. "Jacking" is like claiming or repping.  
 19 Q. And when you say "repping," you mean representing?  
 20 A. Yeah.  
 21 Q. What is your understanding of who Georgy is?  
 22 A. That's somebody named BY that's a 200 member, as well. He  
 23 is currently incarcerated.  
 24 Q. What's your understanding of what "not doing right by  
 25 Georgy daughter a dub" means?

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1 A. Basically it's like a loyalty thing, like if you -- if you  
 2 claim you 200, like your brother's your family, and he is in  
 3 jail. So that basically if whoever is claiming they 200 and  
 4 it's not helping out his daughter, it's like basically --  
 5 excuse me language -- like some funny shit, like basically you  
 6 are disloyal, so you are a dub. That means, like, you are a  
 7 dub, like, you are not 200, and they're there for you, like it  
 8 means basically you got problems.  
 9 Q. All right. So just to clarify that, am I understanding you  
 10 correctly to say that if anyone is not doing right by Georgy's  
 11 daughter while Georgy is incarcerated, they are a dub ?  
 12 A. Yes, ma'am.  
 13 Q. And can you explain again what a dub means?  
 14 A. A dub means like basically you are not 200 no more. You  
 15 are a dub. It's like basically don't say you are 200 anymore  
 16 or something's going to happen to you.  
 17 Q. Okay. And what's your understanding of what "to stop  
 18 jacking my shit gangsta" means?  
 19 A. "Stop jacking my shit gangsta" means stop claiming 200, my  
 20 shit, because he's a 200 member. And when you say gangsta,  
 21 it's like that means when you really mean something, like, at  
 22 the end of whatever you say if you say gangsta, it means you  
 23 are not playing, you mean it.  
 24 Q. When you say you are not playing, you mean that you are  
 25 serious.

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1 means?  
 2 A. That means like he is one of the first 200 members but,  
 3 when he is saying Original200Steppa that means like shooter.  
 4 That's like slang.  
 5 Q. I would now like to turn to your criminal history and I am  
 6 going to ask you a few questions about crimes you have  
 7 committed. So you already talked about -- are you okay?  
 8 A. Yeah, sorry.  
 9 Q. Just try to sit back a little bit close to the mic, but not  
 10 too close.  
 11 A. Okay.  
 12 Q. You have told the jury about a number of crimes that you  
 13 have committed today and I just want to review those categories  
 14 of crimes, okay?  
 15 A. Yes.  
 16 Q. So you talked about racketeering conspiracy, right?  
 17 A. Yes, ma'am.  
 18 Q. Robberies?  
 19 A. Yes, ma'am.  
 20 Q. Home invasions?  
 21 A. Yes, ma'am.  
 22 Q. Assaults?  
 23 A. Yes, ma'am.  
 24 Q. And breaking or selling drugs?  
 25 A. Yes, ma'am.

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1 A. Yes, ma'am.  
 2 Q. All right. Ms. Abrams, you can take down the callout. And  
 3 then could you please call out the fifth message from the  
 4 bottom -- from the top, so the second to last message.  
 5 Mr. Lopez, can you please read the user name that follows the  
 6 word "author"?  
 7 A. Yes.  
 8 Q. Could you read it for us?  
 9 A. PrettiestGangsta200.  
 10 Q. All right. Can you now read the body of the message that  
 11 follows the word "body"?  
 12 A. "Gangsta don't wanna hear nobody saying they gang and not  
 13 doing nothing for bro #Original200Steppa." That's an emoji  
 14 like the 100 sign. That means, like, basically you are  
 15 official. And "RIP J6."  
 16 Q. What is your understanding of what "Gangsta don't wanna  
 17 hear nobody saying they gang" means?  
 18 A. Like I said earlier, like before or after a phrase, when  
 19 you say "gangsta," that means that you really mean it. You are  
 20 not playing.  
 21 Q. And what about "don't wanna hear nobody saying they gang"?  
 22 A. Basically that means he doesn't want to hear anybody  
 23 claiming they are 200 if they are not doing nothing for bro,  
 24 meaning Georgy.  
 25 Q. And what is your understanding of what #Original200Steppa

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1 Q. And other than the crimes you talked about to the jury  
 2 already today, have you committed other crimes?  
 3 A. Yes.  
 4 Q. What crimes -- what categories of crimes have you committed  
 5 other than the ones we have talked about today?  
 6 A. Discharging of firearms, probably some more Hobbs Acts.  
 7 Q. When you say Hobbs Acts, what do you mean?  
 8 A. Like robberies.  
 9 Q. And when you say discharging a firearm, do you mean firing  
 10 a gun?  
 11 A. Yes.  
 12 Q. And have you engaged in drug dealing?  
 13 A. Yes.  
 14 Q. What types of drugs did you sell?  
 15 A. Cocaine, weed, crack.  
 16 Q. Of the crimes you just talked about, were you arrested for  
 17 all of them or just some of them?  
 18 A. Just some of them.  
 19 Q. For the crimes that you were not arrested for, what is your  
 20 understanding of how the government learned about those crimes?  
 21 A. I admitted to them.  
 22 Q. Did you plead guilty to some of the crimes that you just  
 23 talked about?  
 24 A. Yes, I specifically pleaded guilty to seven counts.  
 25 Q. Did you plead guilty to drug dealing?

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1 A. Yes.  
 2 Q. Shooting a gun, discharging a firearm?  
 3 A. Yes.  
 4 Q. Did you plead guilty to assault in aid of racketeering ?  
 5 A. Yes, ma'am.  
 6 Q. And possessing a gun after a felony conviction?  
 7 A. Yes, ma'am.  
 8 Q. All right. Let's talk about some of those categories of  
 9 crime in a little more detail. Did you commit any gunpoint  
 10 robberies other than the robberies we talked about involving  
 11 the 200?  
 12 A. Yes.  
 13 Q. When approximately did you do that?  
 14 A. Before my incarceration, before 2017.  
 15 Q. How many gunpoint robberies do you recall committing during  
 16 that time?  
 17 A. I would say like five. It could be more. It could be  
 18 less.  
 19 Q. In particular, do you recall a robbery in 2009?  
 20 A. I -- I don't remember the date, but it's possible it  
 21 happened.  
 22 Q. And do you recall doing a robbery where you attempted to  
 23 steal oxy's from someone?  
 24 A. Oh, yes, the money for the oxy's, not the oxy's.  
 25 Q. Yes. Could you please tell us about that?

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1 guys—one holding a taser and one holding a gun —like, rushed me.  
 2 And I'm fighting with them in the lobby of my mom's building,  
 3 and they didn't get to take nothing but one chain that flew  
 4 over my head, and I pulled the Jesus piece off, and they  
 5 basically made away with, like, a \$15,000 chain.  
 6 Q. Now, after that robbery, did anyone attempt to rob you a  
 7 second time?  
 8 A. Yes.  
 9 Q. And --  
 10 A. About less than a week after, I bought the chain again and  
 11 I was shot, being I came through the back of my mom's building,  
 12 and the same guys, they had a ski mask and under the ski mask  
 13 they had like pantyhose over their face, a stocking cap, and  
 14 one of them pulled out the gun and the other one had a taser  
 15 that was already on. And then I pulled out my gun and I  
 16 started shooting at them, and they ran off. They didn't get to  
 17 rob me.  
 18 Q. To your knowledge, was anyone hit during that shooting?  
 19 A. To my knowledge nobody was hit.  
 20 Q. After these robberies or attempted robberies, who did you  
 21 think set you up or did you think someone set you up?  
 22 A. Well, the people around me was blaming it on someone named  
 23 A1 Henny, but he didn't really have anything to do with it.  
 24 Q. After you learned that A1 Henny might have had something to  
 25 do with it, what did you do?

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1 A. Yes. It was me, Raymito, Yasmil, and I thought it was  
 2 another person.  
 3 Q. Did you bring any weapons to that robbery?  
 4 A. Yes, a gun and a machete.  
 5 Q. Who had the gun?  
 6 A. Yasmil had the gun.  
 7 Q. And who had the machete?  
 8 A. Raymito.  
 9 Q. And what happened after the robbery?  
 10 A. Well, I had a customer that wanted to buy some oxy's, and it  
 11 was two people, and both of them didn't have the money. They  
 12 had a customer. So it was like a chain to get to the money.  
 13 And once they came in the building, I told them that the pills  
 14 are in the building. They came in and we stuck 'em up. And  
 15 they said, oh, we don't even have the money. The customer is  
 16 outside. So we left one of the customers with Raymito and the  
 17 other person, and Raymito had him held with a machete. Then me  
 18 and Yasmil walked the customer, and Yasmil had a gun to the  
 19 guy's back, so the other guy can't see him coming, and it  
 20 didn't look like he had a gun on him. And basically when we  
 21 got to that guy's customer, we took the money and ran.  
 22 Q. And Mr. Lopez, were you ever robbed?  
 23 A. Yes, one time.  
 24 Q. What happened?  
 25 A. I was coming through the back of my mom's building and two

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1 A. I caught him slipping in a jewelry shop at 145 and  
 2 Broadway.  
 3 Q. When you say you caught him sleeping -- is that what you  
 4 said?  
 5 A. Slipping.  
 6 Q. Slipping. What do you mean by that?  
 7 A. Basically he already had heard that I was looking for him,  
 8 and basically I caught him not being on point at the jewelry  
 9 shop.  
 10 Q. And what happened.  
 11 A. It led to a chain of events. First, in the jewelry shop, I  
 12 took his -- I took his chain and his two cell phones. Then ,  
 13 like three days later, he thought I was slipping, and he was --  
 14 and he thought he had to drop -- he basically had me and I  
 15 wasn't aware of my surroundings, and he tried to hit me with  
 16 like a lead pipe in the head, but I pulled out a gun and I  
 17 started shooting at him. And he went to the 34th Precinct and  
 18 pressed charges on me, so I had to go on the run after that.  
 19 Q. To your knowledge, when you started shooting that day, did  
 20 anyone get hit?  
 21 A. No, just his car and his window, and he jumped in through  
 22 the window that was shot out and went straight to the precinct .  
 23 Q. Did you later learn whether or not Henny was actually  
 24 involved in those robberies?  
 25 A. Yes. I later learned that he was falsely accused.

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1 Q. And who actually set you up?  
 2 A. Raymito and Yasmil. Because I was talking to his  
 3 ex-girlfriend, and Milton I believe didn't have anything to do  
 4 with the robbery, but he had knowledge of that robbery and he  
 5 was the one that said a girl told him it was Henny, but Henny  
 6 had nothing to do with it.  
 7 Q. So after that, do you get along with Raymito?  
 8 A. No.  
 9 Q. When is the last time you talked to Raymito?  
 10 A. When we was both in a facility called GEO.  
 11 Q. And what's GEO?  
 12 A. A private facility in Queens.  
 13 Q. And what was the nature of your conversations with Raymito  
 14 when you saw him in GEO?  
 15 A. Well, we had government separations, but we was always  
 16 trying to like pop the door open and fight each other, and we  
 17 would invite each other to our private parts and stuff.  
 18 Q. So just to make sure I understand correctly, were you  
 19 having substantive conversations with Raymito or were you  
 20 essentially fighting with him?  
 21 A. Yeah, fighting.  
 22 Q. Did you ever talk about your case or any other case with  
 23 Raymito --  
 24 A. No, not at all.  
 25 Q. -- other than the occasions that we --

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1 THE COURT: You mentioned GEO, and you said it's a  
 2 private facility in Queens. GEO is a jail, correct?  
 3 THE WITNESS: Yes. Yes, your Honor.  
 4 THE COURT: And it's a government jail, correct? I  
 5 mean you are there because you are incarcerated by order of a  
 6 court.  
 7 THE WITNESS: Yes. It's actually a private facility  
 8 that has a contract with the government to hold federal  
 9 cooperators.  
 10 THE COURT: I see. So if I understand you correctly,  
 11 it's a facility that is run by a private corporation under  
 12 contract with the government to hold people who are detained by  
 13 the government, is that correct?  
 14 THE WITNESS: Yes, your Honor.  
 15 THE COURT: All right. Thank you.  
 16 BY MS. ESPINOSA:  
 17 Q. Mr. Lopez, while you were in prison, have you had any  
 18 disciplinary issues?  
 19 A. Yes.  
 20 Q. What types of issues?  
 21 A. Fights.  
 22 Q. Have you had any drug-related disciplinary issues?  
 23 A. No, not one, but I have admitted to the government I smoked  
 24 weed while incarcerated as well as K2.  
 25 Q. And you mentioned GEO. As a result of disciplinary issues,

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1 did you get kicked out of GEO?  
 2 A. Yes.  
 3 Q. Mr. Lopez, since you have been in jail, other than Raymito,  
 4 have you had any conversations with anyone you have committed  
 5 crimes with?  
 6 A. Yes.  
 7 Q. Who?  
 8 A. Lefty.  
 9 Q. And Ms. Abrams, could you please -- actually we will move  
 10 on.  
 11 When did you have this conversation with Lefty?  
 12 A. Approximately a couple weeks ago.  
 13 Q. And what was the nature of your conversation?  
 14 A. Well, somebody I know, somebody mess with him at another  
 15 facility and, basically through a third party or fourth party,  
 16 how you want to say, we spoke like on a video visit, but we  
 17 couldn't see each other, and he asked me -- we was asking each  
 18 other when we getting out. We basically air the situation. We  
 19 have separations with each other. We wasn't supposed to be  
 20 talking with each other. And he asked me if I have to testify  
 21 on Banga because he does, and I said yeah. He said yeah. And  
 22 we didn't talk about anything, like, specifically with the  
 23 case. I didn't even know actually it was Lefty --  
 24 Q. Did you talk to Lefty at all about the substance of your  
 25 testimony?

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1 A. No, not at all.  
 2 Q. Did Lefty tell you what he was going to say?  
 3 A. No, not at all.  
 4 Q. Mr. Lopez, how did you come to begin cooperating with the  
 5 federal government?  
 6 A. Well, I was on the run from the state for a gun possession  
 7 charge I pled guilty to but I wasn't sentenced on. I was out  
 8 on bail. Then I caught the shooting against the kid Henny who  
 9 snitched on me. And basically I was stressed for like two,  
 10 three weeks. I think I was almost a month on the run, maybe  
 11 less. And I had to pay a lawyer, and basically he is telling  
 12 me I'm facing two consecutive sentences on two violent charges.  
 13 And nobody coerced me or nothing. I made a decision that I was  
 14 going to cooperate --  
 15 Q. So --  
 16 A. -- to help myself out.  
 17 Q. So what were the circumstances of your first meeting with  
 18 the government? When you first met with the government, were  
 19 you under arrest?  
 20 A. No. I surrendered myself, but I didn't -- I didn't have  
 21 any handcuffs placed on me.  
 22 Q. So when you first came in to meet with the government, did  
 23 you speak to law enforcement agents and government attorneys?  
 24 A. Yes, ma'am.  
 25 Q. What were the topics of your conversation during that

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1 initial meeting?

2 A. Crimes I have committed, crimes that I have committed with  
3 other people, a couple crimes I knew about or heard about that

4 I wasn't a part of.

5 Q. During that initial meeting, did you talk to the government  
6 about the 200?

7 A. Yes.

8 Q. Did you also talk to the government about things unrelated  
9 to the 200?

10 A. Yes.

11 Q. And during that initial meeting, did you tell the  
12 government about the murder we have been discussing today?

13 A. Yes, ma'am.

14 Q. Did you talk to the government during --

15 MR. SCHNEIDER: Objection. Leading.

16 THE COURT: Sustained.

17 MS. ESPINOSA: I apologize.

18 BY MS. ESPINOSA:

19 Q. After your arrest, Mr. Lopez, did you meet with prosecutors  
20 and law -- rather, can you tell us how you came to get  
21 arrested?

22 A. I surrendered myself to the federal government .

23 Q. And was that -- when did you surrender yourself to the  
24 federal government?

25 A. I believe it's either June 15 or June 16, 2017.

M552Pab2

Lopez - Direct

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1 I said he changed his life. I'm happy for him. He is about to  
2 go home. And when I surrendered myself, I surrendered myself  
3 with an ounce of marijuana, and I said he changed his life  
4 because we used to smoke a lot in the street, but in jail he  
5 refused to smoke. I even tried to make him smoke, and he  
6 didn't want to. So basically that's all I said, and I didn't  
7 mention any crimes I committed with him.

8 Q. And why did you hold back the information about crimes with  
9 Santana?

10 A. Well, two reasons is I felt bad for him because he was  
11 about to go home and I didn't want to get him in any more  
12 trouble, and on top of that I was worried, like, how I'm going  
13 to cooperate on somebody that I'm basically living with in the  
14 same unit.

15 Q. Did you ultimately tell the government the truth about  
16 Santana?

17 A. Yes, that same day. They left the room, my lawyer came  
18 back and told me that I'm holding back, and as soon as they sat  
19 down, I told them the crimes I committed with him.

20 Q. You mentioned that there was a second occasion where you  
21 held back information, is that right?

22 A. Yes, ma'am.

23 Q. What was that occasion?

24 A. Well, the second occasion was about another murder that  
25 Milton told me he was a part of and basically I told them

M552Pab2

Lopez - Direct

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1 Q. And what were you initially arrested for?

2 A. Gun possession and discharge.

3 Q. After your arrest, were you taken into federal custody?

4 A. Yes, ma'am.

5 Q. Did you meet with prosecutors and law enforcement agents  
6 again after your arrest?

7 A. Yes.

8 Q. Did you meet on one occasion or many occasions?

9 A. Many occasions.

10 Q. Was your attorney present for your initial meetings with  
11 the government?

12 A. Yes, all the way until I had a cooperation agreement.

13 Q. When you were meeting with the government, did you ever lie  
14 or hold back information?

15 A. Yes, two times before my cooperation agreement.

16 Q. Let's talk about the first one. What did you do on that  
17 occasion?

18 A. Well, the first one that was literally the first meeting I  
19 held back information on a person that I was incarcerated with  
20 at MCC.

21 Q. And who was that person?

22 A. Santana.

23 Q. What information did you hold back?

24 A. Well, basically I didn't -- well, I did held back  
25 information. They asked me about him what I know about him and

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1 exactly what Milton told me but left one person out. And with  
2 that murder, there's a whole bunch of different theories with  
3 that murder, but after that meeting when I got back to the  
4 unit, like I was thinking about it, I'm like, damn, I left this  
5 guy out. So I reached out to my lawyer and my lawyer set up  
6 another meeting, like literally the next day, and I brought up  
7 the person that I didn't mention.

8 Q. And why did you leave that person out?

9 A. Well, I left that person out because his -- they just had a  
10 baby -- for my own reasons. They just had a baby and the  
11 mother of the baby was incarcerated for a different murder and  
12 basically I was -- I felt bad. But I didn't get caught in the  
13 lie. I fessed up to that lie.

14 Q. Did you enter into a cooperation agreement with the  
15 government?

16 A. Yes, ma'am.

17 Q. Was that agreement oral or in writing?

18 A. In writing.

19 Q. Did you review that agreement with your attorney ?

20 A. Yes.

21 Q. Did you sign it?

22 A. Yes, ma'am.

23 Q. After you signed it, did you plead guilty to the crimes we  
24 discussed earlier?

25 A. Yes, ma'am.



1 Q. Have you been sentenced?  
 2 A. No, ma'am.  
 3 Q. What is the maximum possible -- what is the maximum  
 4 possible sentence you could receive for the crimes you have  
 5 pled guilty to?  
 6 A. Life.  
 7 Q. And what's your understanding of whether or not there is a  
 8 mandatory minimum sentence?  
 9 A. My understanding is that the minimum is 30 years.  
 10 Q. Now, who will sentence you?  
 11 A. The judge and the judge only.  
 12 Q. So who will decide what your sentence is going to be ?  
 13 A. The judge and the judge only.  
 14 Q. Will anyone else have any role in that decision?  
 15 A. No, ma'am.  
 16 Q. What is your understanding of what you have promised to do  
 17 under your cooperation agreement with the government?  
 18 A. Well, I promised to be truthful and assist the government  
 19 with whatever they need me for.  
 20 Q. If you live up to your side of the agreement, what's your  
 21 understanding of what the government will do?  
 22 A. My understanding is that the government will issue me a 5K1  
 23 letter at sentencing.  
 24 Q. And what's your understanding of what information will be  
 25 in the 5K1 letter?

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1 A. It would have on it my assistance to the government as well  
 2 as the crimes I committed and pled guilty to.  
 3 Q. And to your understanding, will that letter also include  
 4 any information about disciplinary issues or other crimes?  
 5 A. Yes, ma'am.  
 6 Q. Since you pled guilty, have you continued to meet with the  
 7 government as part of your cooperation?  
 8 A. Yes.  
 9 Q. In general terms, what have been the topics of your  
 10 meetings with the government?  
 11 A. About crimes I committed and about -- well, I would say  
 12 mostly about the 200s actually.  
 13 Q. Have you also talked about other topics?  
 14 A. Yes.  
 15 Q. Have your meetings with the government included preparation  
 16 to testify today?  
 17 A. Yes, ma'am.  
 18 Q. Did the government make any promises to you about what  
 19 sentence you will receive if you cooperate fully?  
 20 A. No, ma'am.  
 21 Q. Has anyone made any promises to you about what your  
 22 sentence will be?  
 23 A. No, ma'am.  
 24 Q. As far as you understand, will the government recommend a  
 25 specific sentence for you?

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1 A. No, ma'am.  
 2 Q. Are you hoping to get a lower sentence because you  
 3 cooperated?  
 4 A. Yes, ma'am.  
 5 Q. What sentence are you hoping to get?  
 6 A. I'm hoping to get time served. Doesn't mean it's going to  
 7 happen, though.  
 8 Q. Do you know one way or another whether you will actually  
 9 get a lower sentence because you cooperated?  
 10 A. I won't know anything until I get sentenced.  
 11 Q. As you understand it, just because the judge gets the 5K1  
 12 letter, does the judge have to sentence you to less time?  
 13 A. No. The judge can do whatever he or she wants.  
 14 Q. As you understand it, what would happen if you were to lie  
 15 here today?  
 16 A. That's lying after the cooperation agreement, and I would  
 17 be in breach of that cooperation agreement and all bets are off  
 18 basically.  
 19 Q. And what's your understanding of what would happen to that  
 20 agreement if you lied today?  
 21 A. It would be broken and I would be doing 30 years to life.  
 22 Q. And would you get a 5K1 letter?  
 23 A. No.  
 24 Q. If you lose your cooperation agreement, will you be able to  
 25 withdraw your guilty plea?

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1 A. No.  
 2 Q. To your understanding, does the verdict in this trial have  
 3 any effect on whether you get a 5K1 letter?  
 4 A. No.  
 5 MS. ESPINOSA: One moment, your Honor.  
 6 (Counsel confer)  
 7 MS. ESPINOSA: No further questions.  
 8 THE COURT: Thank you. Cross-examination.  
 9 We will break for lunch just before 1 p.m.  
 10 CROSS-EXAMINATION  
 11 BY MR. SCHNEIDER:  
 12 Q. Do you consider yourself a truthful person?  
 13 A. Yes, sir.  
 14 Q. And when you make a statement, you know the difference  
 15 between if it's a truthful statement or if it's a lie, right ?  
 16 A. Yes, sir.  
 17 Q. So when you lie, you are doing that intentionally, aren't  
 18 you?  
 19 A. Yes, sir.  
 20 Q. And in fact, you have lied through most of your adult life,  
 21 have you not?  
 22 A. I have lied to drug dealers most of my adult life, yes,  
 23 sir.  
 24 Q. You have also lied to arresting officers when they have  
 25 arrested you, haven't you?

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1 A. Yes.  
 2 Q. You have also lied to assistant United States attorneys  
 3 when you have met with them, haven't you?  
 4 A. Yes, twice, sir.  
 5 Q. You have also lied to parole officers when you were on  
 6 parole, right?  
 7 A. Yes, sir.  
 8 Q. You have also lied to probation officers when you were on  
 9 probation, right?  
 10 A. Yes, sir.  
 11 Q. And you have also lied to judges, have you not?  
 12 A. No, sir.  
 13 Q. Well, when you were released on bail on your cases, didn't  
 14 you promise to come back?  
 15 A. Yes, I did.  
 16 Q. So wasn't that one of your conditions of getting bail that  
 17 I promise to come back, so you lied because you didn't go back,  
 18 did you?  
 19 A. Actually I didn't bail jump. I surrendered myself before  
 20 the court date for that gun charge, sir.  
 21 Q. Did I ask you that? I didn't ask you that, did I?  
 22 THE COURT: Next question.  
 23 Q. So the fact is, when you were released, you were on the run  
 24 and you didn't go to court when you were supposed to, did you?  
 25 A. I surrendered myself before I was going to court before I

1 had to go to court, sir.  
 2 Q. Now, you have spent most of your adult life committing  
 3 crimes, have you not?  
 4 A. Yes, sir.  
 5 Q. And you have committed dozens, if not hundreds, of crimes,  
 6 more than we can even count here today, right?  
 7 A. Yes, sir.  
 8 Q. And most of the crimes you committed you got away with,  
 9 didn't you?  
 10 A. Yes, sir.  
 11 Q. And most of the crimes you committed you were very  
 12 successful in getting money or property, were you not?  
 13 A. Yes, sir.  
 14 Q. And the crime you have committed are assaults, shootings,  
 15 possession of weapons, possession of guns, knives, robberies,  
 16 home invasions, drug dealing, fraud, scamming. Are those all  
 17 crimes you have committed?  
 18 A. Yes, sir.  
 19 Q. And can you tell us about how much money you think you have  
 20 gotten over the years from the crimes?  
 21 A. I would say over a million dollars.  
 22 Q. And where is that money now?  
 23 A. It's gone.  
 24 Q. Spent?  
 25 A. Yes, sir.

1 Q. On fancy cars, right?  
 2 A. That's part of it, sir.  
 3 Q. And expensive jewelry?  
 4 A. Yes, sir.  
 5 Q. Fancy clothes?  
 6 A. Yes, sir.  
 7 Q. You had a good life going out to the clubs and the lounges,  
 8 right?  
 9 A. Yes, sir.  
 10 Q. Getting to go to bottle tables, bottle service, right?  
 11 A. Yes, sir.  
 12 Q. And you kind of liked that life, didn't you?  
 13 A. Yes, sir.  
 14 Q. You miss it?  
 15 A. Yes, sir.  
 16 Q. You want to get back to it, don't you?  
 17 A. No, sir.  
 18 Q. You got a whole different life planned when you get out?  
 19 A. I definitely do, sir.  
 20 Q. Now, I just want to talk a little bit if we can about -- I  
 21 don't want to talk about all your crimes because we don't  
 22 really have enough time, but I want to --  
 23 THE COURT: The jury will disregard the comments of  
 24 the lawyers. That you know.  
 25 Q. So --

1 THE COURT: Ask a question.  
 2 Q. -- in February 2008 was when you were first arrested for  
 3 criminal sale of a controlled substance, right?  
 4 A. Yes, sir.  
 5 Q. That was in a state case, was it not?  
 6 A. Yes, sir.  
 7 Q. That was a class B felony where you were facing potentially  
 8 25 years in jail, right?  
 9 A. I don't remember, but it's possible, sir.  
 10 Q. And you were also arrested for resisting arrest, right?  
 11 A. Yes, sir.  
 12 Q. That's at the time -- that's when you were selling on the  
 13 street, what's called hand to hand, and you sold to somebody  
 14 else and then the police arrested you, didn't they?  
 15 A. Yes, sir.  
 16 Q. When they arrested you, they found 21 bags of crack on you  
 17 and some marijuana, right?  
 18 A. Yes, sir.  
 19 Q. And then sometime after that, a number of months later, you  
 20 were indicted in New York County Supreme Court for those  
 21 charges, right?  
 22 A. Yes, sir.  
 23 Q. And at the time that you were indicted, you then ultimately  
 24 were offered to plead guilty to a reduced charge.  
 25 A. Yes, sir.

1 Q. And you pled to what's called attempted possession -- I'm  
 2 sorry, attempted sale of a controlled substance, a class C, as  
 3 in Charlie, felony, right?  
 4 A. Yes, sir.  
 5 Q. And at that time you were promised if you plead guilty and  
 6 if you do certain things, the judge will give you a sentence of  
 7 probation, right?  
 8 A. Yes, sir.  
 9 Q. Like state court is different than federal court. In  
 10 federal court there is no promises. In state court you are  
 11 told a promise before you plead guilty, right?  
 12 A. Yes, sir.  
 13 Q. That's if you follow what you are supposed to do in terms  
 14 of prior to being sentenced, correct?  
 15 A. Yes, sir.  
 16 Q. And when you pled guilty in September of 2008, the judge  
 17 said, Mr. Lopez, I will give you probation if you do three  
 18 things. Do you remember him saying that? Was it him or her,  
 19 the judge? Do you remember?  
 20 A. I don't remember, but I'm leaning more toward as him.  
 21 Q. Me, too.  
 22 So at that time, when the judge spoke to you, he said, I  
 23 will give you probation if you return to court on the  
 24 appropriate date, right?  
 25 A. Yes, sir.

1 a regular basis. Right?  
 2 A. Yes.  
 3 Q. You were required to not commit crimes, right?  
 4 A. Yes.  
 5 Q. You were required to not hang out with other convicted  
 6 felons, right?  
 7 A. Yes.  
 8 Q. You were required to not being a gang member, right?  
 9 A. Yes.  
 10 (Continued on next page)

1 Q. If you cooperate with the probation department to prepare  
 2 the presentence report, right?  
 3 A. Yes, sir.  
 4 Q. And then if you don't commit any new crimes. Isn't that  
 5 right?  
 6 A. Yes, sir.  
 7 Q. And then when you came back, you got a sentence of five  
 8 years probation, right?  
 9 A. Yes.  
 10 Q. By the way, during that time, between the -- were you still  
 11 involved in selling drugs in 2008 and 2009?  
 12 A. I probably was.  
 13 Q. Okay. So at the time that you were supposedly entering  
 14 this plea and coming back for sentence, you were still  
 15 committing crimes in the street, right?  
 16 A. Yes, sir.  
 17 Q. And you just hadn't gotten caught, right?  
 18 A. Yes, sir.  
 19 Q. So at that time, so you come back and the judge gives you a  
 20 sentence of five years probation, right?  
 21 A. Yes, sir.  
 22 Q. And the probation department had certain conditions that  
 23 you, as a convicted felon, must abide by, right?  
 24 A. Yes, sir.  
 25 Q. You were required to report to the probation department on

1 BY MR. SCHNEIDER:  
 2 Q. You're required to not go out on the street and cause  
 3 mayhem in the world, right?  
 4 A. Yes.  
 5 Q. You're required to report and try to get a job, if you  
 6 could, right?  
 7 A. Yes, I --  
 8 Q. OK.  
 9 A. I did that.  
 10 Q. OK. And you did that -- and when you went to see the  
 11 probation officer -- was it a man or woman, your probation  
 12 officer, do you remember?  
 13 A. A female.  
 14 Q. And when you went to go see her, she would ask you, OK, how  
 15 you doing today, right?  
 16 A. Yes.  
 17 Q. And you would tell her what you were doing, didn't you?  
 18 A. Yes.  
 19 Q. And you didn't tell her that you were committing crimes  
 20 while you were on the street, did you?  
 21 A. No.  
 22 Q. You didn't tell her I was selling drugs, did you?  
 23 A. No.  
 24 Q. You didn't tell her you were breaking or robbing,  
 25 assaulting, carrying guns, you didn't tell her any of that, did

1 you?  
2 A. No.  
3 Q. And in fact, she asked you, are you leading a straight and  
4 narrow life, didn't she?  
5 A. Yes.  
6 Q. And you lied to her, didn't you?  
7 A. Yes, sir.  
8 Q. And you told her, and she believed you, didn't she?  
9 A. Yes.  
10 Q. Right? Because you sounded believable when you spoke to  
11 her, right?  
12 A. Yes.  
13 Q. You told her I'm not committing any crimes, she said OK;  
14 she said OK, I'll see you, come back whenever your next  
15 appointment was, right?  
16 A. Yes.  
17 Q. But at that time, turns out you ultimately got caught for  
18 violating your probation, didn't you?  
19 A. Yes.  
20 Q. And a few years later, about three years into your  
21 five-year probationary sentence, your probation was what's  
22 called revoked, taken away, right?  
23 A. Yes.  
24 Q. You were no longer on probation, right?  
25 A. Yes.

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1 Q. And tell us what that violation was.  
2 A. I know I got arrested for -- I violated a couple, with a  
3 couple arrests. I don't remember. If you could remind me,  
4 sir?  
5 Q. Well, the fact is, over the years, in addition to the major  
6 arrests we have, you committed a number of minor crimes, didn't  
7 you?  
8 A. Yes.  
9 Q. Criminal trespass, right?  
10 A. Yes.  
11 Q. Possession and sale of small amounts of marijuana, correct?  
12 A. Yes.  
13 Q. Reckless endangerment, right?  
14 A. Yes.  
15 Q. You were driving a car and having a police officer have to  
16 jump out of the way, almost hit him on the Major Deegan.  
17 Remember that?  
18 A. That wasn't on the Major Deegan, sir. It was in the Bronx,  
19 so --  
20 Q. OK.  
21 A. I remember, though.  
22 Q. Forget the street. You remember you drove in a way the cop  
23 had to jump out of the way before you got arrested, right?  
24 A. Yeah, that's what he told me when he arrested me.  
25 Q. OK. But there were a number of resisting arrest charges,

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1 right?  
2 A. Well, they add that arrest to you when you run away from  
3 them.  
4 Q. Well, that's because --  
5 A. That's resisting arrest, sir.  
6 Q. Now -- so, then -- so while your probation was revoked you  
7 were then sentenced to go to Rikers Island for six months,  
8 correct?  
9 A. Yes.  
10 Q. Actually, during some of these times when you, let's say,  
11 had marijuana, did you try to destroy evidence also that the  
12 police couldn't find?  
13 A. Probably, yes.  
14 Q. You know, like swallowing the drugs so they wouldn't find  
15 it, right?  
16 A. Yes, sir.  
17 Q. You did that in a way to make sure that you could try to  
18 keep the case against you weak, right; help yourself out so you  
19 wouldn't get in trouble?  
20 A. Yes.  
21 Q. And by the way, didn't you, on a number of occasions,  
22 threaten police officers when they arrested you?  
23 A. No. I actually don't remember that, sir.  
24 Q. On June 8 of 2011, when you got arrested on the Major  
25 Deegan and Fordham Road for possession of a weapon, marijuana,

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1 and tampering, didn't you say to the cop: I'm going to kill  
2 you, when I get out I'm going to blast you, you know who you're  
3 messing with?  
4 A. I don't recall saying that, sir.  
5 Q. OK.  
6 A. I wasn't charged with making threats to an officer.  
7 Q. I didn't ask you if you were charged with it. I asked you  
8 if you did it. Two different things.  
9 A. My answer is I don't remember that, sir.  
10 Q. OK. Well, does it kind of sound like you, that you would  
11 say something like that?  
12 A. I would, I would -- not to a police officer.  
13 Q. No? You never spoke poorly against -- to a police officer?  
14 A. Oh, yeah, curse them out.  
15 Q. All the time, right?  
16 A. Yeah.  
17 Q. As often as you can?  
18 A. Yeah, but not threaten.  
19 Q. Fair enough. You would curse them out, whether they be  
20 police officers or even corrections officers in jail too ; you  
21 cursed at them too, right?  
22 A. I have, yes.  
23 Q. Now, I just want to move up a little bit to October of  
24 2013, when you got arrested for a weapon. Remember that ?  
25 A. Yes.

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1 Q. And you got indicted for that crime a number of months  
2 later, right?  
3 A. Yes.  
4 Q. And you ultimately, once again -- by the way, you were  
5 arrested for possession of a weapon in the third degree, which  
6 is a class D felony, right?  
7 A. Yes.  
8 Q. And you were facing custody, seven years in jail --  
9 actually, no. You were a predicate felon, because you had the  
10 probationary case, so you were facing a sentence of three and a  
11 half to seven years in state prison, right?  
12 A. Yes, sir.  
13 Q. Then you were able to get a reduced plea and the judge  
14 promised, again, if you do certain things, he will give you a  
15 reduced sentence of one and a half to three years, right?  
16 A. Yes, sir.  
17 Q. And that one and a half to three years means you have to go  
18 serve the time upstate and not in Rikers Island, correct?  
19 A. Yes, sir.  
20 Q. Now, were you out on bail in that case, or were you stuck  
21 in on no bail?  
22 A. No. I was out on bail, probably.  
23 Q. And that time when you were out on bail, you were again  
24 told if you come back to court, I'll give you the one and a  
25 half to three, but if you violate, all bets are off, right?

1 A. Yes, sir.  
2 Q. And if you violate, you can get three and a half to seven  
3 years, correct?  
4 A. Yes, sir.  
5 Q. And at the time you were still going out and selling drugs,  
6 breaking, robbing, doing home invasions, doing all that stuff,  
7 while, between the time of your plea and your sentence in 2013,  
8 right?  
9 A. I wouldn't say during that time I did any home invasions  
10 Q. You got me. I apologize.  
11 You kept selling drugs, you kept getting involved in  
12 robberies, but you didn't do any home invasions during that  
13 period of time; fair to say?  
14 A. Fair to say.  
15 Q. OK. So when you ended up doing your time, I think you said  
16 earlier on direct that you got shock incarceration, like boot  
17 camp, so you ultimately did a total of eight months upstate,  
18 right?  
19 A. Yes.  
20 Q. And you ended up being released to parole on May 7 of 2015,  
21 sound right?  
22 A. Yes.  
23 Q. And that means you had to be on parole for another year.  
24 Your ultimate discharge date would have been May of 2016, so  
25 you had one year where you had to report to a parole officer,

1 right?  
2 A. Yes.  
3 Q. Now, a parole officer is similar to a probation officer, is  
4 that right?  
5 A. Yes, sir.  
6 Q. I mean the parole officer deals with you after you're  
7 already out of jail serving a sentence; fair to say?  
8 A. Yes, sir.  
9 Q. By the way, was this parole officer a female or a male, if  
10 you remember?  
11 A. I had two. They were both female.  
12 Q. And at that time, when you were on parole supervision for a  
13 year, you also had to report to this parole officer, or both of  
14 them, on a regular basis, right?  
15 A. Yes, sir.  
16 Q. And you also, before you were on parole, you had to sign a  
17 list of conditions that you had to follow, didn't you ?  
18 A. Yes, sir.  
19 Q. And you were informed -- you didn't just have to sign the  
20 list, but you were informed about what you had to do to make  
21 sure you don't violate parole, correct?  
22 A. Yes, sir.  
23 Q. And those list of conditions included, among other things,  
24 working or going to school or getting a trade, right ?  
25 A. Yes, sir.

1 Q. Not associating with felons, correct?  
2 A. Yes, sir.  
3 Q. Not committing any crimes, correct?  
4 A. Yes, sir.  
5 Q. Not carrying any weapons, correct?  
6 A. Yes, sir.  
7 Q. And you had to lead a law-abiding life, right?  
8 A. Yes, sir.  
9 Q. And as you would go every time to go meet with your parole  
10 officer, either in person or on the telephone, they would ask  
11 you if you were meeting all those conditions, right?  
12 A. Yes, sir.  
13 Q. And you were lying to that parole officer every single time  
14 you went to talk to her, right?  
15 A. Yes, sir.  
16 Q. And every time she asked you if you're leading a  
17 law-abiding life, you said yes and she believed you, didn't  
18 she?  
19 A. Yes, sir.  
20 Q. Now, I just want to be very clear so there 's no confusion.  
21 On October 2 of 2014, you were still upstate in jail, correct?  
22 A. October 2?  
23 Q. Just -- don't hurt yourself. You were in jail September 3,  
24 2014, right, when you got sentenced? Correct?  
25 A. Probably, yes.



Q. September 3, 2014, is when you were sentenced, and you were released to parole May 7 of 2015, correct?

A. Yes.

Q. So that means you were in the custody of the department of corrections in New York State on the date of October 2, 2014, right?

A. Yes.

Q. That is the date of this crime, the murder, do you know that?

A. I don't know the date.

Q. OK. Well, that's the date.

Now, let's talk about, on June 18, 2016, once again you got caught with a loaded firearm, correct?

A. Yes, sir.

Q. And when you got arrested for that, ultimately some -- maybe the next year, you were, once again, offered a reduced plea to a reduced charge, right?

A. Yes, sir.

Q. And you were released on bail, right?

A. Yes, sir.

Q. And do you remember what sentence you were promised if you came back to court?

A. Yes, three and a half years.

Q. OK. For that bid, right? Three and a half flat, correct?

A. Yes.

Q. And in fact, you used that gun, didn't you?

A. Yes, sir.

Q. You shot -- you didn't just use it; you shot at this kid who you thought had done something to you, right, this Henny kid, right?

A. Yes, sir.

Q. And by the way, that was a mistake, wasn't it? Henny wasn't the guy who did it, right?

A. No.

Q. So you shot -- and by the way --

A. I shot at him because he tried to hit me with a bat, sir.

Q. OK. So you were protecting yourself?

A. Yes, sir.

Q. And you, in this attempt to protect yourself, you shot at this kid Henny because, you had gone after him because you thought he had done something to you, right?

A. Yes, sir.

Q. So what happens is you then figured, oh, my goodness, I'm now in trouble, I'd better not go back to court, right?

A. I was weighing my options. I had, I had approximately, like, two months before my court date.

Q. Right. So it wasn't like a last decision; you had plenty of time to think about what the right thing for you to do was, right?

A. Yes, sir.

Q. There's no -- but you were also told that if you didn't come back you could get a flat seven years, right?

A. Yes. I believe the judge even said ten years.

Q. My mistake.

So at that time you knew that if you violated any of the conditions of your release, you could get a ten-year sentence just for that one charge that you pled guilty to, right?

A. Yes.

Q. And again, you had to return to court, right?

A. Yes, sir.

Q. You had to cooperate with the probation department, right?

A. Yes.

Q. And you had to not commit any new crimes, right?

A. Yes, sir.

Q. And carrying a weapon, as far as you know, in New York State, without a license, is a crime, is it not?

A. Yes, sir.

Q. And especially if you have a felony conviction, it's even a more serious crime, is it not?

A. Yes, sir.

Q. Now, you didn't live up to your end of the bargain, did you, when you told the judge I promise to do all those things?

A. No, sir.

Q. And because you had an illegal gun with you, didn't you?

A. Yes, sir.

Q. You didn't just run away in a panic. You sat, you thought, you figured out, OK, on the one hand, I can do this, on the other hand, I can do that, correct?

A. Actually, I was in a panic from the very day I started being on the run until I surrendered myself three weeks later.

Q. Yeah, I understand that, but you were making efforts to kind of control your panic by speaking to a professional, a lawyer, right?

A. Yes, sir.

Q. You had a private lawyer, didn't you?

A. But, I was -- yes. Yes, sir, but he wasn't easing my panic. I was panicked the whole time while I was on the run.

Q. OK. Well, you were panicking, but were you able to make rational decisions?

A. Yes.

Q. And I guess I don't blame you for panicking because you were facing state prison, right?

A. Not because of the prison. I was also panicking because I had the fugitive task force after me and stuff.

Q. Well, yes. That would have added to your prison time, wouldn't it?

A. Yes.

Q. OK. So you say you had the fugitive task force after you because you had shot at this kid and he went to the 34th Precinct, right?

1 A. Yes, sir.  
 2 Q. So they knew who they were looking for, right?  
 3 A. Yes, sir.  
 4 Q. So they were looking -- so you had this possible ten-year  
 5 plea on the case you already pled to, the gun case, right?  
 6 A. Yes, sir.  
 7 Q. You also had the potential for getting charged, arrested  
 8 and indicted for shooting at this kid, which could have been  
 9 attempted murder, correct?  
 10 A. Yes, sir.  
 11 Q. So you ended up deciding to skip bail, and you went on the  
 12 run, right?  
 13 A. Skipping bail is after your court date. I didn't skip  
 14 bail.  
 15 Q. Fair enough.  
 16 You decided to go to the feds rather than go to state  
 17 court?  
 18 A. Yes, sir.  
 19 Q. OK. Now, is it fair to say that basically every day,  
 20 all -- most every day from the year 2014 until you got  
 21 arrested, until you walked into the feds, you were carrying a  
 22 gun on you?  
 23 A. Yes, sir.  
 24 Q. Now, so, when you decide to speak to your lawyer, you had  
 25 to decide, OK, what should I do now going forward, right; and

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1 you talked to your lawyer about that? Right?  
 2 A. He, he told me it's my decision.  
 3 Q. It's always your decision. I understand that, but I'm  
 4 talking about you and he discussed what your options were .  
 5 Right?  
 6 A. My options was fight it or --  
 7 THE COURT: No, no. The question is -- I don't want  
 8 to know what your lawyer told you or you told your lawyer. The  
 9 question was did you discuss with your lawyer what your options  
 10 were? Yes or no.  
 11 THE WITNESS: Yes, sir.  
 12 BY MR. SCHNEIDER:  
 13 Q. And in fact, on direct examination you said that he told  
 14 you what you were facing, didn't he?  
 15 A. Yes, sir.  
 16 Q. And tell us how many years you were facing, what you r  
 17 understanding to be at that time, before you surrendered to the  
 18 feds.  
 19 A. 20 years and better.  
 20 Q. And that would be, you can get ten years for the gun charge  
 21 you already pled to, right?  
 22 A. Yes, sir.  
 23 Q. You can get significantly more time for this attempted,  
 24 potential attempted murder, right?  
 25 A. Yes, sir.

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1 Q. And those sentences could run what's called consecutive,  
 2 one after the other, isn't that right?  
 3 A. Yes, sir.  
 4 Q. Now, you talked earlier about liking the life you led. I  
 5 assume you don't like being in jail, do you?  
 6 A. No, sir.  
 7 Q. And you kind of like the life you had of being a free man,  
 8 making free choice, right?  
 9 A. Yes, sir.  
 10 Q. And because now when you're in jail, you're told what to  
 11 do, right?  
 12 A. Yes, sir.  
 13 Q. Told when to eat?  
 14 A. Yes, sir.  
 15 Q. When to sleep?  
 16 A. Yes, sir.  
 17 Q. When to shower?  
 18 A. Yes, sir.  
 19 Q. When to get food?  
 20 A. Yes, sir.  
 21 Q. Can't have money?  
 22 A. Yes.  
 23 Q. I mean you can have money in the commissary, but you can't  
 24 have money in your pocket, right?  
 25 A. Yes, sir.

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1 Q. So it's a whole different life sitting in jail than it is,  
 2 that you're used to from being on the street, right?  
 3 A. Yes, sir.  
 4 Q. You don't get conjugal visits in any of the jails you're in  
 5 now, do you?  
 6 A. No, sir.  
 7 Q. You would like to have woman companionship, wouldn't you?  
 8 MS. ESPINOSA: Objection.  
 9 THE COURT: Sustained.  
 10 BY MR. SCHNEIDER:  
 11 Q. Now, after you and your lawyer are deciding what you should  
 12 do, you realize that at the time when you're talking to your  
 13 lawyer, you had not committed a federal crime that they knew  
 14 about, right?  
 15 A. Yes, sir.  
 16 Q. You only had state charges lodged against you, right?  
 17 A. Yes, sir.  
 18 Q. And in fact, you and your lawyer tried to set up a deal  
 19 with the state prosecutors to try to see if they could work out  
 20 a deal for you, right?  
 21 A. Yes, sir.  
 22 Q. And they basically told you, without the specifics, that it  
 23 wasn't going to happen; the state D.A. said no, right?  
 24 A. Not exactly, no. That's not what happened.  
 25 Q. Well, the state D.A. said that they couldn't --

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1 THE COURT: Jury, can you hear the witness?  
 2 OK. Your hearing is better than mine.  
 3 Go ahead, sir.  
 4 MR. SCHNEIDER: Thank you.  
 5 Q. Well, you knew that the state D.A. couldn't help you on  
 6 your state case, but she -- it was a she in this case --  
 7 A. Yes, sir.  
 8 Q. She could act as a middleman or middle person between your  
 9 lawyer, you, and the federal government, right?  
 10 A. Yes, sir. She brokered the deal with the feds, and she was  
 11 present for the beginning, for the first couple meetings .  
 12 Q. Exactly. So at that point, you had to figure out -- you  
 13 and your lawyer had to figure out a way to get the federal,  
 14 have the federal authorities have jurisdiction over you, right?  
 15 A. Yes, sir.  
 16 Q. And at that time you had given your lawyer some information  
 17 that you had, he gave it to the state D.A. and she brought it  
 18 to the federal prosecutors, correct?  
 19 A. Yes, sir.  
 20 Q. And as a result of that, then the federal prosecutors said,  
 21 OK, I'll, we'll be happy to listen to you, right?  
 22 A. Yes, sir.  
 23 Q. But you were concerned because at that point if you spoke  
 24 to them you still would not be able to get what's called  
 25 immunity from the statements that you made, right?

1 Q. And you told them where they were specifically hidden,  
 2 right?  
 3 A. Yes, sir.  
 4 Q. Told them how they can get those guns, right?  
 5 A. Yes, sir.  
 6 Q. And then as you're there, the agents went and ultimately  
 7 found those two guns just where you said they were, right?  
 8 A. Yes, sir.  
 9 Q. And once they were recovered, you were then charged  
 10 federally, on June 15 of 2017, with a federal crime of being a  
 11 felon in possession of a weapon, right?  
 12 A. Yes, sir.  
 13 Q. And at that time, is it fair to say that you then  
 14 characterized yourself as being, quote, federal property ?  
 15 A. Yes, sir.  
 16 Q. So once you decided that you were going to be within  
 17 federal custody -- and by the way, you then got remanded and  
 18 went to MCC, the Metropolitan Correctional Center, downtown  
 19 Manhattan, right?  
 20 A. Yes, sir.  
 21 Q. And so then you began to what's called proffer, which is go  
 22 in and talk to the government about the crimes, right ?  
 23 A. Yes, sir.  
 24 Q. And during your proffer sessions, they tell you what's  
 25 expected of you, right?

1 A. Yes, sir.  
 2 Q. So the statements that you -- you could only get immunity  
 3 if you had a federal case, so you had to figure out a way to  
 4 get a federal case, right?  
 5 A. Yes, sir.  
 6 Q. And doesn't really matter who, but there was a decision  
 7 made that if they found a gun that you admitted was yours,  
 8 there's a federal crime called being a felon in possession.  
 9 MS. ESPINOSA: Objection, your Honor.  
 10 THE COURT: Well, I don't have a question yet.  
 11 BY MR. SCHNEIDER:  
 12 Q. Did that happen? Did you tell the government about a gun  
 13 or guns?  
 14 THE COURT: What is the question? Did he tell the  
 15 federal authorities that he had a gun?  
 16 MR. SCHNEIDER: Yes.  
 17 THE COURT: All right.  
 18 You can answer that question.  
 19 A. Yes, sir.  
 20 Q. In fact, what happened was you told them where you had  
 21 stashed two of your guns, right?  
 22 A. Yes, sir.  
 23 Q. And those two guns were stashed in a parking lot in  
 24 Manhattan, correct?  
 25 A. Yes, sir.

1 A. Yes, sir.  
 2 Q. They tell you what your obligations are and also what your  
 3 rights are, right?  
 4 A. Yes, sir.  
 5 Q. And the fact is the stuff you tell them can't be used  
 6 against you unless you lie, right?  
 7 A. Yes.  
 8 Q. Or unless you go to trial and say something different,  
 9 right?  
 10 A. Yes, sir.  
 11 Q. But they can use the evidence to try to find other evidence  
 12 as an investigative means, correct?  
 13 A. Yes, sir.  
 14 Q. And they specifically tell you that these proffer sessions  
 15 are not cooperation agreements, right?  
 16 A. Yes, sir.  
 17 Q. They're just basically tryouts, you know, to see if you  
 18 like them, if they like you and if it's going to be a good  
 19 match, right?  
 20 A. Yes, sir.  
 21 Q. So when you proffer, you don't know if they're going to  
 22 sign you up after one meeting, five, ten; you have no idea how  
 23 long the process is going to take, do you?  
 24 A. Yes, sir.  
 25 Q. So they tell you we have to see if we believe what you say,

1 right?  
 2 A. Yes, sir.  
 3 Q. They want to find -- they tell you we have to see if the  
 4 information you give us is valuable, right?  
 5 A. Yes, sir.  
 6 Q. And they want to see if -- they tell you they want to see  
 7 if there's something they can do with the information that you  
 8 gave them, right?  
 9 A. Yes, sir.  
 10 Q. They want to possibly investigate further, right?  
 11 A. Yes, sir.  
 12 Q. Possibly charge other people who were not charged, right?  
 13 A. Yes, sir.  
 14 Q. Substantiate what they already know about other  
 15 perpetrators, right?  
 16 A. Yes, sir.  
 17 Q. Maybe even add charges to people who are already in  
 18 custody, correct?  
 19 A. Yes, sir.  
 20 Q. And at that time they tell you you must tell us everything  
 21 you have done, right?  
 22 A. Yes, sir.  
 23 Q. Tell us everything you know about other people who may be  
 24 committing crimes, right?  
 25 A. Yes, sir.

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1 could, right?  
 2 A. Yes.  
 3 Q. And during these proffers, you did discuss about your  
 4 crimes and -- your crimes, right?  
 5 A. Yes, sir.  
 6 Q. The crimes you did alone, right?  
 7 A. Yes, sir.  
 8 Q. The crimes you did with others?  
 9 A. Yes, sir.  
 10 Q. The crimes of other people that you know about that you  
 11 didn't do?  
 12 A. Yes, sir.  
 13 Q. They also showed you photographs, right?  
 14 A. Yes, sir.  
 15 Q. They showed you videos, right?  
 16 A. Yes, sir.  
 17 Q. They showed you some Instagram accounts, right; text  
 18 message? Didn't they?  
 19 A. Yes, sir.  
 20 Q. And during these hours and hours of meetings, you saw that  
 21 there were prosecutors and agents present, and they would take  
 22 notes, as far as you could tell, right?  
 23 A. Yes, sir.  
 24 Q. Now, during any of your meetings, the government never once  
 25 told you who else was cooperating, did they?

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1 Q. And you signed what's called a proffer agreement, also  
 2 sometimes occasionally called a queen for a day, right?  
 3 A. Yes, sir.  
 4 Q. And that's an agreement that gives you protection as long  
 5 as you don't lie and do the other things we talked about,  
 6 right?  
 7 A. Yes, sir.  
 8 Q. And it says that what you say during these meetings cannot  
 9 be used against you if you tell the truth, right?  
 10 A. Yes, sir.  
 11 Q. Now, is it fair to say that you proffered for over 16  
 12 months before you got a cooperation agreement?  
 13 A. Yes, sir.  
 14 Q. And that was over ten separate meetings, give or take?  
 15 A. Yes, sir.  
 16 Q. And on October 12 of 2018, that's ultimately when you pled  
 17 guilty to the crimes you spoke about on direct examination,  
 18 right?  
 19 A. Yes, sir.  
 20 Q. Now, during your proffers, you didn't speak about all the  
 21 same things every time, did you?  
 22 A. No.  
 23 Q. I mean sometimes they asked you specific questions --  
 24 A. Sometimes yes, sometimes no.  
 25 Q. Yes. You'd answer everything they asked you as best you

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1 A. No, sir.  
 2 Q. They never told you the names of other people who they'd  
 3 been speaking to, did they?  
 4 A. No, sir.  
 5 Q. And they also would tell you if not at every meeting, at  
 6 least periodically, that you should not talk to any other  
 7 people about your cooperation, right?  
 8 A. Yes, sir.  
 9 Q. They specifically told you not to ask anybody else if they  
 10 are cooperating, right?  
 11 A. Yes, sir.  
 12 Q. They specifically said don't talk in person, don't talk on  
 13 the phone, don't write letters, don't talk at all to mention  
 14 cooperation to anybody at all, right?  
 15 A. Yes, sir.  
 16 Q. They also said you got to stay out of trouble, right?  
 17 A. Yes, sir.  
 18 Q. Because we all -- withdrawn.  
 19 Because crimes do still happen while you're in jail, don't  
 20 they?  
 21 A. Yes, sir.  
 22 Q. So they told you specifically do not commit any crimes in  
 23 jail, right?  
 24 A. Yes, sir.  
 25 Q. They said do not break any of the jail's rules while you're

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1 in jail?  
2 A. Yes, sir.  
3 Q. They said do not get in trouble while you're in jail,  
4 right?  
5 A. Yes, sir.  
6 Q. Now, you also know about when you're speaking to them the  
7 information you give them has to be kind of important, serious  
8 stuff, doesn't it?  
9 A. Yes.  
10 Q. And again, I mean they're not going to be proffering you to  
11 ask about people who were shoplifting, are they? I mean, in  
12 your experience.  
13 A. Uh -- well, I've been shown pictures before of people that  
14 really don't commit crimes and --  
15 Q. And you told them that?  
16 A. Yeah.  
17 Q. Yeah, right, but -- exactly. So if there's someone that  
18 you saw who you thought didn't commit a crime, you would say  
19 either I don't know that guy or he didn't do it, he's a real  
20 civilian, right?  
21 A. Yes, sir.  
22 Q. OK. But what I'm asking is that you were charged with  
23 serious crimes, right?  
24 A. Yes, sir.  
25 Q. So in order for you to get the government interested, they

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1 would be asking you about other crimes of violence, guns,  
2 assaults; they're asking about other serious crimes, right?  
3 A. They were asking about specific people, and I would let  
4 them know what crimes I knew, not the other way around.  
5 Q. Well, didn't at some point, in addition to them asking  
6 specific things, they say do you know anything else about  
7 anyone else crime-wise?  
8 A. No.  
9 Q. Never once?  
10 A. If they didn't show me the picture, that person didn't get  
11 brought up.  
12 Q. OK. Now, you know what the word "contraband" is, don't  
13 you?  
14 A. Yes, sir.  
15 Q. And you know what you can or can't do while you 're in jail,  
16 right?  
17 A. Yes, sir.  
18 Q. You can't have cigarettes in jail, can you?  
19 A. No, sir.  
20 Q. Not allowed to have marijuana?  
21 A. No, sir.  
22 Q. Not allowed to have K2?  
23 A. No, sir.  
24 Q. By the way, for us older people, K2 is like synthetic  
25 marijuana, right?

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1 A. Yes, sir.  
2 Q. And it has a much different effect on people than marijuana  
3 does, doesn't it?  
4 A. All depends.  
5 Q. OK. You also can't have any other kind of other, any kind  
6 of drugs in jail unless it's given to you by the medical  
7 personnel, right?  
8 A. Yes, sir.  
9 Q. There's no --  
10 THE COURT: Mr. Schneider, how much longer do you  
11 have, sir?  
12 MR. SCHNEIDER: Oh, yeah. I have more, Judge.  
13 THE COURT: How much longer do you have, sir?  
14 MR. SCHNEIDER: I don't know the answer to that, your  
15 Honor. I'm going quickly, but I don't know the answer. It's  
16 definitely good time to break, if that's what you're asking,  
17 Judge.  
18 THE COURT: I'm sorry?  
19 MR. SCHNEIDER: It's a Good time to break, if that's  
20 what you're asking.  
21 THE COURT: No. I was asking the question I asked.  
22 Ladies and gentlemen, let's give you your lunch break.  
23 Please be back at ten after two. Remember we're now in  
24 courtroom 23B. Ten after two, we'll begin then.  
25 (Continued on next page)

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1 (Jury not present)  
2 THE COURT: Ten after two.  
3 You may step down, sir.  
4 (Witness not present)  
5 (Luncheon recess)  
6  
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## AFTERNOON SESSION

2:10 p.m.

(Jury not present)

THE COURT: You may be seated in the courtroom.

Mr. Schneider, my deputy tells me you want to put something on the record, sir.

MR. SCHNEIDER: Yes. This morning, when I was coming into the courtroom, about 9:15 or so, I was in the elevator, and all of a sudden, the door was about to close, it opened up, juror No. 11 walked in. I didn't realize it at the time. I didn't say anything to him. He didn't say anything to me. We didn't make eye contact. As we were leaving to get off at the same floor, I held the door, and I pushed the button. And he walked out and I walked out.

I just wanted to put that on the record, your Honor.

THE COURT: All right. Thank you.

Do you have a sense now approximately how much longer you're going to take with this witness?

MR. SCHNEIDER: The bad news is no. The good news is that I cut out a lot, so it's going to be quicker than I'd planned. I just don't know how to judge the time of it, your Honor. I apologize for that. But it's going to be quicker. I cut out -- a lot of Xs and cross-outs.

MS. MACEDONIO: Your Honor, do you want any interaction at all with a juror on the record?

THE COURT: I don't think it's necessary unless you want it.

Government.

MS. ESPINOSA: No, I don't think so, your Honor.

THE COURT: I accept the representation of Mr. Schneider that there was no contact.

MS. MACEDONIO: No. I'm asking for myself.

THE COURT: No.

MS. MACEDONIO: OK.

THE COURT: I don't need it.

MS. MACEDONIO: Thank you.

THE COURT: You're not asking for it and the government's not asking for it.

MS. MACEDONIO: Thank you.

(Continued on next page)

(Jury present)

THE COURT: You may be seated in the courtroom.

Mr. Schneider, you may continue and conclude with the cross-examination of Mr. Lopez.

MR. SCHNEIDER: Thank you, your Honor.

Q. When we broke, before lunch, we were talking about what contraband is in prison. You can't have cell phones in prison, can you?

A. No.

Q. You can't have any kind of weapons, either homemade or store bought, can you?

A. No.

Q. You're not allowed to have or make three-way calls, are you?

A. No.

Q. Now, after all of your proffers with the government, they ultimately agreed to offer you what's called a cooperation agreement, right?

A. Yeah.

Q. And you were required to plead guilty to all the charges that you spoke about earlier, right?

A. Yes.

Q. And you would be asked -- if asked to testify, you would have to testify truthfully, right?

A. Yes, sir.

Q. And if the government believed that you were truthful, they would ultimately write you what's called a 5K letter to the judge?

A. Yes, sir.

Q. And if the government believed that you did not violate any of these conditions, the government would write the letter to the judge for you, right?

A. Yes, sir.

Q. Now, the government wouldn't recommend a sentence, would they?

A. No, sir.

Q. The judge would hear about all the good and bad things that you've done, correct?

A. Yes, sir.

Q. And you've also been informed that the government decides if you violate the agreement, right?

A. Yes.

Q. And the government decides if you breach the agreement, right?

A. Yes, sir.

Q. And on October 12, you ultimately signed the cooperation agreement and pled guilty before Judge Broderick, correct?

A. Yes, sir.

THE COURT: That's 2018, is it? October 12, 2018, correct?

1 MR. SCHNEIDER: Yes, sir.  
2 THE COURT: All right.  
3 BY MR. SCHNEIDER:  
4 Q. Now, when you pled guilty to racketeering conspiracy, you  
5 pled guilty between -- the conspiracy covered between 2014 and  
6 2017, right; that's you what pled to?  
7 A. I'm not sure about the dates, sir.  
8 Q. Well, you're the one who did plead guilty, right?  
9 A. Yes.  
10 Q. And you're the one who, when you pled guilty before Judge  
11 Broderick, he swore you, correct?  
12 A. Yes, sir.  
13 Q. And then he asked you questions, and you answered those  
14 questions before Judge Broderick, right?  
15 A. Yes.  
16 Q. And in fact, even though you were not what's called a  
17 member of the 200, you say, you were, quote, an associate, you  
18 pled guilty to being part of that racketeering conspiracy,  
19 correct?  
20 A. Yes, sir.  
21 Q. Now, you also pled in Count Two to what's called a  
22 narcotics conspiracy, right?  
23 A. Yes, sir.  
24 Q. From the years 2006 and 2007, including crack, cocaine, and  
25 marijuana, right?

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1 in aid of racketeering, correct?  
2 A. Yes, sir.  
3 Q. And then, finally, you pled to being a felon in possession  
4 of a firearm, right?  
5 A. Yes, sir.  
6 Q. And all those charges, which some the government didn't  
7 know about, right; you told them about? Right?  
8 A. Yes, sir.  
9 Q. And then you ultimately agreed to plead guilty to those?  
10 A. Yes, sir.  
11 Q. And you did that because you knew that as part of this  
12 agreement, you would hope -- the word there is "hope" -- to get  
13 a benefit by pleading guilty, right?  
14 A. Yes, sir.  
15 Q. And you were facing a sentence of life in prison without  
16 the possibility of ever going home, correct?  
17 A. Yes, sir.  
18 Q. And if by some chance the government decided to rip up your  
19 agreement, you would face a potential minimum sentence, nothing  
20 less than 30 years in federal prison, right?  
21 A. Yes, sir.  
22 Q. Now, after you signed this agreement in October of 2018,  
23 you continued to proffer with them and talk to them, right?  
24 A. Yes.  
25 Q. And during many of the, if not all of those proffers you

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1 A. Yes, sir.  
2 Q. And then the third count is narcotics conspiracy from 2007  
3 all the way to 2017, encompassing heroin, cocaine, and  
4 marijuana, right?  
5 A. Yes, sir.  
6 Q. Two separate narcotics conspiracies, right?  
7 A. Yes.  
8 Q. And then you pled to conspiracy to commit what we call  
9 Hobbs Act robberies, right?  
10 A. Yes, sir.  
11 Q. Hobbs Act makes it a federal sentence as opposed to just a  
12 regular street crime prosecuted in the state, right?  
13 A. Yes.  
14 Q. And those robberies -- the conspiracy was from 2007 all the  
15 way, for ten years up to June 2017; that's what you admitted  
16 to, right?  
17 A. Yes, sir.  
18 Q. But you were not required by the government to plead to any  
19 specific robberies, were you; just the conspiracy?  
20 A. Yes, sir.  
21 Q. And you were also -- the next count was using, brandishing,  
22 and discharging a firearm in relation to the narcotics  
23 conspiracies mentioned earlier, right?  
24 A. Yes, sir.  
25 Q. And then, also, attempted assault with a dangerous weapon

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1 were told to tell them the truth, right?  
2 A. Yes.  
3 Q. You were also told do not speak to anybody else about your  
4 cooperation, right?  
5 A. Yes.  
6 Q. Do not commit any crimes while you're in jail, right?  
7 A. Yes.  
8 Q. And you were told that if you do any one of those things,  
9 that could be a breach of the agreement, right?  
10 A. Yes.  
11 Q. And the breach would be decided by the government, the  
12 prosecutors, right?  
13 A. Yes.  
14 Q. And if you breached the agreement, they could rip it up,  
15 but your guilty plea would still stand, right?  
16 A. Yes.  
17 Q. And if your guilty plea stands, you get possible life,  
18 minimum 30 years, right?  
19 A. Yes.  
20 Q. And if the agreement is ripped up, the government does not  
21 write you a 5K letter, do they?  
22 A. Correct.  
23 Q. As far as you know, as you sit here today -- withdrawn.  
24 When is the last time you spoke to the government, meaning  
25 the prosecutors at this table?

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1 A. Yesterday.  
2 Q. OK. And that was before you testified, right?  
3 A. Before I testified today, correct.  
4 Q. Yes, yes.  
5 As far as you know, the government did not tell you that  
6 they believe you'd breached the agreement, did they?  
7 A. No.  
8 Q. They did not tell you we're ripping up the agreement, did  
9 they?  
10 A. No, sir.  
11 Q. As far as you know, the agreement has not been ripped up,  
12 right?  
13 A. Yes, sir.  
14 Q. Now, you know -- you're an intelligent man . You know you  
15 were not supposed to talk to the cooperators at all, right ?  
16 A. Yes, sir.  
17 Q. You know it now, but you also knew it back in 2017, '18,  
18 '19, '20, and '21 and '22, right?  
19 A. Yes.  
20 Q. So it wasn't like you just learned it and said, oh, my God,  
21 I never knew; you knew it from day 1, right; from June 15 of  
22 2017, you knew you're not supposed to talk to anybody else  
23 about this? Right?  
24 A. Yes.  
25 Q. And you were reminded about it on almost, not a daily

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1 Q. Not related to the investigation, 200, nothing, nothing at  
2 all, right?  
3 A. No.  
4 Q. And you were asked questions by a prosecutor and a defense  
5 lawyer and the judge at a hearing against Mr. Santana, correct?  
6 A. Correct.  
7 Q. Were you asked the following questions, and did you give  
8 the following response, 3513-22, page 91:  
9 "Q. When you were in" --  
10 MS. ESPINOSA: Objection, your Honor.  
11 THE COURT: Just a moment.  
12 Sustained.  
13 MR. SCHNEIDER: Your Honor --  
14 THE COURT: Yes, sidebar.  
15 MR. SCHNEIDER: Thank you.  
16 (Continued on next page)

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1 basis, but every time you spoke to them, they reminded you,  
2 right?  
3 A. Yes.  
4 Q. But you did it anyway, didn't you?  
5 A. Yes.  
6 Q. You spoke to people who you knew were cooperators, right ?  
7 A. Yes.  
8 Q. And in fact, you also spoke to not just cooperators in this  
9 case, but you spoke to other cooperators in other cases, right?  
10 A. Yes.  
11 Q. And you spoke to other cooperators in other cases about who  
12 they were cooperating against, right?  
13 A. I don't recall, sir.  
14 Q. Do you remember you mentioned a guy earlier, Santana,  
15 right?  
16 A. Yes, sir.  
17 Q. Now, Santana was somebody who you actually testified  
18 against, isn't that right?  
19 A. Yes, sir.  
20 Q. It wasn't at a trial like this, but it was at a hearing in  
21 front of a judge, right?  
22 A. Yes.  
23 Q. And that case -- and Mr. Santana is not at all related to  
24 Mr. Pabon, right?  
25 A. No.

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1 (At sidebar)  
2 THE COURT: What are you trying to do?  
3 MR. SCHNEIDER: I asked him a very specific question  
4 just now. I asked him if he's spoken to other cooperators  
5 about who they're cooperating against.  
6 THE COURT: Yes.  
7 MR. SCHNEIDER: His answer was I don't remember .  
8 THE COURT: OK.  
9 MR. SCHNEIDER: At the hearing he was asked :  
10 "Q. Since you've been in jail, have cooperators in jail talked  
11 about who they're cooperating against?  
12 "A. Yes."  
13 THE COURT: Just let me think about this.  
14 Is that inconsistent? Tell me what he said and now  
15 read this. Tell me what he just said about talking with other  
16 cooperators.  
17 MR. SCHNEIDER: He said he didn't remember.  
18 THE COURT: OK. Whether or not he had talked with  
19 other cooperators?  
20 MR. SCHNEIDER: Not in general, no. About who they  
21 were cooperating against.  
22 THE COURT: OK. Go ahead.  
23 MR. SCHNEIDER: "Question: Since you've been in jail,  
24 have cooperators in jail talked about who they were cooperating  
25 against?"

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1 THE COURT: Answer?  
2 MR. SCHNEIDER: "Answer: Yes."  
3 THE COURT: All right.  
4 MR. SCHNEIDER: Thank you, your Honor.  
5 (Continued on next page)  
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1 (In open court)  
2 MR. SCHNEIDER: May I?  
3 THE COURT: Yes.  
4 MR. SCHNEIDER: Thank you.  
5 Q. Sir, I was just asking you, when you were testifying at the  
6 hearing against Mr. Santana -- by the way, that was on October  
7 23 of 2018. OK -- were you asked the following question, under  
8 oath, and did you give the following response, at page 3513-22,  
9 page 91:  
10 "Q. When you were in -- since you've been in GEO, have  
11 cooperators in GEO talked about who they're cooperating  
12 against?  
13 "A. Yes."  
14 Did you give that answer to that question under oath before  
15 a different judge?  
16 A. Yes.  
17 Q. In fact, I think you said on direct that you actually spoke  
18 to -- withdrawn.  
19 You know Lefty's name, right?  
20 A. Yes, sir.  
21 Q. OK. And you've known Lefty before this case?  
22 A. Yes.  
23 Q. And you know that Lefty is a cooperator in this case ?  
24 A. Yes.  
25 Q. OK. In fact -- and you've known that for some time, have

1 you not?  
2 A. Yes.  
3 Q. And you spoke to Lefty just last month, didn't you ?  
4 A. Yes, sir.  
5 Q. And that was, as we know, well after you signed the  
6 cooperation agreement, right?  
7 A. Yes, sir.  
8 Q. And it was well after the government told you not to talk  
9 to cooperators, right?  
10 A. Yes.  
11 Q. So you still spoke to Lefty just in April of this year,  
12 right?  
13 A. Yes.  
14 Q. And that was while you were preparing for trial, right? I  
15 don't mean you. Withdrawn.  
16 That's when you had met with the prosecutors a number of  
17 times in preparation for your testimony here today, right?  
18 A. No. That was actually before the first preparation.  
19 Q. But it was after you were a cooperator?  
20 A. Yes, sir.  
21 Q. And after you were warned not to do it, right?  
22 A. Yes.  
23 Q. By the way, you said something on direct about having seps,  
24 right?  
25 A. Yes.

1 Q. That's short for separations, right?  
2 A. Yes.  
3 Q. And separations are instituted by the Bureau of Prisons to  
4 keep people away from one another for one reason or another,  
5 right?  
6 A. Correct.  
7 Q. For example, if somebody's threatening you, there would be  
8 a sep between you and that person, right?  
9 A. Right.  
10 Q. And there would be a sep between people who are cooperating  
11 in the same cases, right?  
12 A. Correct.  
13 Q. And there would be a sep between somebody who may be  
14 testifying against, right?  
15 A. Correct.  
16 Q. And that's to prevent you from talking to the other  
17 cooperator, right?  
18 A. Yes.  
19 Q. But you just told us that you, in fact, not just that you  
20 spoke to Lefty, you didn't just meet him in the hallway and  
21 bump into him by accident, did you?  
22 A. No.  
23 Q. You had a very prearranged phone call with him, right ?  
24 A. Yes.  
25 Q. And that phone call wasn't a plain phone call, it was a

1 three-way video, right?  
2 A. Yes.  
3 Q. Now, tell us how that happened in custody, in federal  
4 custody. First of all, a three way's not allowed, right?  
5 A. No.  
6 Q. OK. So tell us how you did it.  
7 A. There was an inmate in my unit that was talking to an  
8 inmate that, that's in the institution where Lefty is, and then  
9 that's -- that was, they connected us for us to speak,  
10 basically.  
11 Q. OK. Was that just like a lucky break, or did you know the  
12 two inmates would talk to each other?  
13 A. No. I knew.  
14 Q. And you helped set it up? How did that come about? Whose  
15 idea was it to talk, you or Lefty's?  
16 A. You could say it's my idea.  
17 Q. OK. Tell us how you came up with the plan.  
18 A. Well, basically, when the inmate that's housed with me at  
19 the facility I'm in told me that he talks to somebody that  
20 recently had been at my facility, they got transferred to where  
21 Lefty is at, and that's when I said, oh, next time you talk to  
22 him, let me know so I can talk to Lefty.  
23 Q. OK. So when you found out that there was a connection,  
24 that you could find a way to meet and -- not meet, find a way  
25 to talk to Lefty, you implemented that plan, right?

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1 A. Yes.  
2 Q. And you both, during that video, that illegal video three  
3 way, you and Lefty spoke about this trial, didn't you?  
4 A. Well, I asked him if he was going to testify in this trial  
5 and he asked me the same question. We told each other yes, but  
6 we didn't speak any details or corroborate any stories. Those  
7 phone calls are recorded.  
8 Q. OK. So do you know if the government got those phone  
9 calls?  
10 A. I wouldn't know.  
11 Q. Did you tell the government that you did that?  
12 A. Yes.  
13 Q. OK. Do you remember when you told them?  
14 A. It was at one of the preps, one of the prep days for the  
15 trial.  
16 Q. OK. That's actually last week, right?  
17 A. Yes.  
18 Q. I'm sorry. Last week, right?  
19 A. Yes.  
20 Q. OK. So at any point --  
21 A. May have been the week before last. I'm not sure.  
22 Q. OK. Let's say it was April 30. OK? The fact is at any  
23 point -- and you spoke with the government since April 30,  
24 since you told them about this, didn't you?  
25 A. Yes.

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1 Q. OK. Did they ever confront you with any recordings they'd  
2 found?  
3 A. No.  
4 Q. And after you told them that you had spoken to Lefty on  
5 video, improperly, did they say I'm ripping up the agreement?  
6 A. No.  
7 Q. Did they punish you somehow?  
8 A. I was warned and told not to do it again.  
9 Q. OK. Well, how many times have you been warned not to talk  
10 to anybody in the last five years?  
11 Too many to count, right?  
12 A. What I'm saying, they warned me even if I'm not doing it;  
13 they just make it their business to let me know, to remind me  
14 not to do that.  
15 Q. And they did the same thing even after you specifically did  
16 something you were told not to do ; they just warned you again,  
17 right?  
18 A. Yes.  
19 Q. Now, in addition to getting involved with Lefty, you also  
20 fought with other people in GEO, right?  
21 A. Yes.  
22 Q. In fact, you sucker punched a guy, right?  
23 A. Probably, yes.  
24 Q. Probably like it sounds possible?  
25 A. Yes.

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1 Q. And it wasn't just another inmate, it was another  
2 cooperator, right?  
3 A. Everyone at that facility was a cooperator.  
4 Q. So the answer is you punched another cooperator ?  
5 A. Yes, sir.  
6 Q. But, now, you tried to kind of make it look like it wasn't  
7 really a fight, didn't you?  
8 A. No.  
9 Q. Well, the COs CAME to you, you told them, we're just  
10 fooling around, just kidding, right?  
11 A. Uh -- I don't remember.  
12 Q. Well, one of the problems, sir, with talking -- with  
13 fighting with another cooperator is that that cooperator can go  
14 tell his prosecutors what you're doing, and you don't even know  
15 it, right?  
16 A. Doesn't mean it's true, though.  
17 Q. I didn't ask you that.  
18 Are you saying a cooperator could lie to a prosecutor?  
19 A. It's possible, yeah.  
20 Q. OK. So is it possible that the other cooperator's telling  
21 the truth and you're lying, or he must be the liar?  
22 A. Well, I don't remember that situation you're talking about.  
23 Q. Well, the situation is that you threw a punch and you  
24 sucker punched a guy named Edwin Rivera?  
25 A. Yeah, I remember that.

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1 Q. You remember now. OK. I guess the name helped, right?  
2 A. Yeah.  
3 Q. And the fact is you tried to get Edwin Rivera to say it was  
4 only a joke, right?  
5 A. Yeah, I did.  
6 Q. OK. But it wasn't a joke, was it?  
7 A. No.  
8 Q. It was a serious fight, where you sucker punched the guy  
9 and almost knocked him out, right?  
10 A. Yeah.  
11 Q. So we have two things here: One -- a few. One, you sucker  
12 punched a cooperator, right?  
13 A. Yes.  
14 Q. Two, the CO asked you what you did, and you lied to the CO,  
15 right?  
16 A. Yes.  
17 Q. And three, you tried to get somebody else, another  
18 cooperator, to lie for you, right?  
19 A. Yes.  
20 Q. Now, you also sucker punched another cooperator, a guy name  
21 Chris Correa. Sound familiar?  
22 A. Yes.  
23 Q. And the only way the government found out about that is  
24 because Chris Correa told his prosecutor who emailed your  
25 prosecutors, right?

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1 A. Yes.  
2 Q. Because you didn't go and tell them you did it, did you --  
3 them meaning the prosecutors, did you?  
4 A. No.  
5 Q. So after you were -- by the way, did the prosecutors ever  
6 confront you and say I'm going to rip up your agreement because  
7 you sucker punched two cooperators?  
8 A. No.  
9 Q. You also had another fight with another cooperator, a guy  
10 named Butter. Does that sound familiar to you?  
11 A. Yeah.  
12 Q. His real name is Mr. Purvis, right?  
13 A. Yes.  
14 Q. He's a Mac Baller, again, not related to this case, right?  
15 A. To my knowledge, he was something else.  
16 Q. OK. But he's not related to this case?  
17 A. No.  
18 Q. And like I said, is it fair to say that that cooperator  
19 went and spoke to his prosecutors about what you did to him?  
20 MS. ESPINOSA: Objection.  
21 MR. SCHNEIDER: I'll withdraw it and rephrase, your  
22 Honor, if that's OK.  
23 May I?  
24 THE COURT: Yes.  
25 BY MR. SCHNEIDER:

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1 Q. The fact is Butter told the government that you encouraged  
2 others to lie about Butter, isn't that right?  
3 A. No, that's not true at all.  
4 Q. So if Butter said that, that's a lie, right?  
5 A. Yes.  
6 Q. If Butter said that you were trying to get others to blame  
7 Butter, Butter would be lying, right?  
8 A. Yes.  
9 Q. OK.  
10 A. He actually paid somebody to say -- I did sucker punch the  
11 guy, but he actually paid somebody to say, like, it was my  
12 fault when it was really his fault.  
13 Q. OK. So this cooperator, Butter, is now lying against you,  
14 right?  
15 A. Correct.  
16 MS. ESPINOSA: Objection.  
17 THE COURT: I'll allow it.  
18 BY MR. SCHNEIDER:  
19 Q. And this cooperator, Butter, is trying to get other people  
20 to lie against you, right?  
21 A. Correct.  
22 Q. Now, does the name Bucks sound familiar to you?  
23 A. Yes.  
24 Q. His real name is Charles Gibson, right?  
25 A. Yes.

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1 Q. And he's another cooperator, is he not?  
2 A. Yes.  
3 Q. Also in GEO, right?  
4 A. Yes.  
5 Q. And didn't you threaten him when he was coming back from  
6 court one day?  
7 A. No. He made up that whole story. That happened in MDC.  
8 We was in GEO together, and we had a fight, and I ended up  
9 getting jumped, but I beat him up. And we ended up being in  
10 the same unit. We ended up not having a separation in MDC, so  
11 we was living in the same house fine, but he obviously, like,  
12 felt a certain type of way, but he didn't let it be known. And  
13 one day I went to court during quarantine, and I had to  
14 quarantine in SHU, that's the box solitary confinement, and he  
15 made it the whole story, saying if I had a bad court day, I was  
16 going to punch him, and that was to get me out the unit. And  
17 he bragged to the COs how he got me out of there. And I also  
18 told the government that if they thought I was lying, I was  
19 willing to take a lie detector test and bet my freedom that  
20 he's the one that's lying.  
21 Q. OK. So two things: One, this cooperator lied against you,  
22 right?  
23 A. Correct.  
24 Q. And two, did they ever give you a lie detector test?  
25 A. No.

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1 Q. Did they ever confront you, after you said that to them,  
 2 did they ever say anything at all about it?  
 3 A. My facility was switched after that.  
 4 Q. Doesn't matter. The incident still happened. They still  
 5 have telephones and emails and texts. As far as you know,  
 6 whether you were moved or not, didn't the government do  
 7 nothing --  
 8 THE COURT: The jury will disregard the statements  
 9 from the lawyers. It's just the questions that matter, and  
 10 even the questions are not testimony. It's only what the  
 11 witness says that's testimony.  
 12 Question.  
 13 BY MR. SCHNEIDER:  
 14 Q. In addition to fighting with other cooperators, did you  
 15 ever threaten the staff at GEO?  
 16 A. No.  
 17 Q. Never happened?  
 18 A. No.  
 19 Q. Did you ever gamble in jail with real money that you  
 20 weren't supposed to do?  
 21 A. With food, playing poker, yes.  
 22 Q. Poker. And you caused a fight there, right?  
 23 A. I know I'm not supposed to gamble, but I didn't cause no  
 24 fight.  
 25 Q. Well, you --

1 A. I had a fight surrounding us playing poker, because we  
 2 played poker.  
 3 Q. Right. And the fact is the captains there checked the  
 4 video to see what happened, right?  
 5 A. Yeah. The guy that lost threw cards at me.  
 6 Q. And the video showed that you were the aggressor, isn't  
 7 that right?  
 8 A. Yes.  
 9 Q. Now, at a period of time, you've been having trouble in the  
 10 different facilities that you've been in, haven't you?  
 11 A. Not all.  
 12 Q. Not all, but when you've been in MCC, GEO, MDC, Putnam, GEO  
 13 again, right? Different times, correct?  
 14 A. I was only in GEO one time.  
 15 Q. Right. That's because you asked your lawyer to ask the  
 16 government to send you back to GEO, isn't that right?  
 17 A. No.  
 18 Q. You never had -- by the way, your lawyer's name is Mark  
 19 Cohen, right?  
 20 A. Correct.  
 21 Q. You never asked Mark Cohen to speak to the prosecutors, not  
 22 these prosecutors, but the ones before them, to ask to have the  
 23 prosecutor move you to where you were? Never happened?  
 24 A. I don't remember.  
 25 Q. Did your sister ever write a letter to try to get you

1 moved?  
 2 MS. ESPINOSA: Objection.  
 3 A. I don't remember.  
 4 THE COURT: I'll allow it.  
 5 BY MR. SCHNEIDER:  
 6 Q. Do you know if the prosecutors, not these but the ones  
 7 before them, had ever asked the warden at GEO if you could come  
 8 back after you'd been kicked out of GEO?  
 9 A. It may be possible.  
 10 Q. But just so I'm clear, you were kicked out of GEO, right?  
 11 A. That's the only facility I was kicked out of.  
 12 Q. OK. That was one. There may only be a few, but besides  
 13 that, you were kicked out of one, right?  
 14 MS. ESPINOSA: Objection.  
 15 THE COURT: Yes. The jury knows to disregard the  
 16 comments.  
 17 Try to just ask questions.  
 18 MR. SCHNEIDER: Yes, your Honor. I'm sorry.  
 19 Q. You were kicked out of GEO, correct?  
 20 A. Correct.  
 21 Q. And you went from GEO to MDC, that's in Brooklyn, right?  
 22 A. Yes, never had a fight in two years at MDC.  
 23 Q. OK. And you never had a fight, but you wanted to go back  
 24 to GEO, didn't you?  
 25 A. Uh, it's possible. I don't remember.

1 Q. The fact is, didn't the prosecutor write to the warden at  
 2 GEO to ask if you can come back?  
 3 MS. ESPINOSA: Objection.  
 4 THE COURT: I will allow it, if he knows.  
 5 A. Honestly, this is the first time I'm hearing about the  
 6 prosecutor, who should be Hagan Scotten, writing to GEO to try  
 7 to get me back in GEO. I was told I was kicked out and never  
 8 allowed back.  
 9 Q. OK. If I were to show you an email, would that refresh  
 10 your recollection?  
 11 A. If you showed me a email, that doesn't mean I knew the  
 12 prosecutor sent that letter.  
 13 Q. OK. Fair enough. But were you told by somebody that the  
 14 warden said you couldn't come back to GEO?  
 15 A. No.  
 16 Q. Did you ever --  
 17 A. I was kicked out. That was never in my head to go back to  
 18 GEO.  
 19 Q. OK. How about when you were in Westchester County jail; do  
 20 you remember having a problem there?  
 21 A. I had two fights there.  
 22 Q. OK. And at some point you were in PC, protective custody,  
 23 in the Westchester County jail, right?  
 24 A. Correct.  
 25 Q. And do you remember the captain speaking to the government,

1 saying that you were causing a problem at PC?  
 2 A. Yes.  
 3 Q. And that you were actively bullying various inmates in PC  
 4 in the Westchester County jail?  
 5 A. That's what they said, yes.  
 6 Q. Was the captain -- and by the way, one of those inmates was  
 7 an elderly man, correct?  
 8 A. Yes. An elderly man that was causing a lot of problems  
 9 with us.  
 10 Q. OK. And you took it -- withdrawn.  
 11 Did you make any complaints to the captains or wardens at  
 12 Westchester about this elderly man?  
 13 A. No. Multiple people -- he just looked elderly. He's  
 14 actually only ten years older than me.  
 15 THE COURT: So he's 46?  
 16 THE WITNESS: Yes.  
 17 BY MR. SCHNEIDER:  
 18 Q. Now, on June 15 of 2017, when you first met with the  
 19 prosecutors, do you think that you were violating their trust  
 20 as you were talking to them?  
 21 A. Uh, yes.  
 22 Q. Kind of unusual, right? I mean here it is you're asking  
 23 the prosecutors to help you, but as you're talking to them,  
 24 you're kind of cheating, aren't you?  
 25 A. Because I had marijuana inside of me.

1 A. Correct.  
 2 Q. Knowing full well that smuggling contraband is not only  
 3 improper, it's an actual crime, right?  
 4 A. Correct.  
 5 Q. So, when you got to the MCC, you were able to get the  
 6 marijuana out of you, and you smoked it, didn't you?  
 7 A. Yes.  
 8 Q. Did you sell it too, or just smoke it?  
 9 A. No, I didn't sell any of it. I smoked it all.  
 10 Q. And when you ran out of that, you smoked K2, didn't you?  
 11 A. Yes.  
 12 Q. Both of those things would be illegal and would be a  
 13 violation of any agreement, right?  
 14 A. Correct.  
 15 Q. In GEO, you smoked -- this is, by the way, the MCC, right,  
 16 when you smoked marijuana and K2, which is synthetic marijuana,  
 17 right?  
 18 A. Correct.  
 19 Q. But when you got to GEO, you only smoked the marijuana,  
 20 right?  
 21 A. I probably smoked K2 if there was K2.  
 22 Q. Well, let me ask you -- you were in jail from 2017 for  
 23 quite some time -- did you ever run out of the marijuana that  
 24 you had smuggled inside yourself?  
 25 A. Yeah, that was -- I ran out of it, like, probably the first

1 Q. We'll get to that in a second. But as you're talking to  
 2 them, before you went in to surrender, you had done something  
 3 in expectation of going into jail, right?  
 4 A. Yes.  
 5 Q. You didn't just have marijuana on you, did you?  
 6 A. I said in me.  
 7 Q. I know. I want to be clear, though. I want to make sure  
 8 there's no misunderstandings of the words.  
 9 You crushed some marijuana, about an ounce worth, right?  
 10 A. Yes.  
 11 Q. And where did you put it?  
 12 A. Inside of me.  
 13 Q. Where? Did you swallow it?  
 14 A. No, not orally.  
 15 Q. And you had an ounce of marijuana inside of you as you're  
 16 sitting at a table talking to the prosecutors, right?  
 17 A. Correct.  
 18 Q. And you did that because you know you're going to go, be  
 19 remanded to go into the jail, MCC, right?  
 20 A. Correct.  
 21 Q. And you wanted to make sure that you had marijuana with you  
 22 when you go to jail, right?  
 23 A. Correct.  
 24 Q. Knowing full well that marijuana is not allowed in MCC, is  
 25 it?

1 two weeks or first week.  
 2 Q. You ran out because you smoked it all, right?  
 3 A. Correct.  
 4 Q. Now, did you ever smoke again after that?  
 5 A. Yes.  
 6 Q. Where did you get the stuff from?  
 7 A. From inmates.  
 8 Q. All right. Where? How? Who?  
 9 A. Well, that was in 2017. I specifically don't remember, but  
 10 it wasn't for free. I bought it.  
 11 Q. OK. You bought it. Isn't it illegal to have money in  
 12 jail?  
 13 A. Food.  
 14 Q. OK.  
 15 A. Commissary.  
 16 Q. OK. So even though -- you traded food for marijuana,  
 17 right?  
 18 A. Yes.  
 19 Q. OK. And you knew that was still illegal, right?  
 20 A. No, not for marijuana. K2.  
 21 Q. My apologies. K2.  
 22 K2 is still illegal, right?  
 23 A. Yes.  
 24 Q. Still improper in jail, right?  
 25 A. Yes.

1 Q. And as you were doing that, did you tell the government  
 2 that you were smoking marijuana and/or smoking K2 ?  
 3 A. No, I was never asked. I was asked later on probably while  
 4 I was in GEO.  
 5 Q. Right. But while you were talking to them, did you ever go  
 6 speak to them while you were high?  
 7 A. No.  
 8 Q. OK. You make it like it's a crazy question.  
 9 Did you ever speak to them at a time when you were, had  
 10 just finished smoking either marijuana or K2?  
 11 A. No.  
 12 Q. Well, how did you know when they were going to interview  
 13 you?  
 14 A. My lawyer would let me know beforehand.  
 15 Q. How much in advance?  
 16 A. The day before or couple days before.  
 17 Q. OK. So at that point you didn't know -- let's say you  
 18 smoke on a Monday. You didn't know if the government would  
 19 want to talk to you on a Tuesday or Wednesday, did you?  
 20 A. I would know because my lawyer would email me.  
 21 Q. OK. But you had already smoked on a Monday. Doesn't  
 22 matter. Let's move on.  
 23 The fact is you were speaking to them while you were  
 24 committing crimes in jail, right?  
 25 A. Correct.

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1 Q. Now, Raymito, that's Raymond Castillo, right?  
 2 A. Yes.  
 3 Q. You had seen him in GEO, didn't you?  
 4 A. Yes.  
 5 Q. And in 2019, he physically threatened you, didn't he?  
 6 A. We threatened each other, yes.  
 7 Q. He tried to open up your door and he tried to hit you,  
 8 right?  
 9 A. No, he didn't -- he didn't get to open the door.  
 10 Q. I said he tried.  
 11 A. Yeah.  
 12 Q. Right? He tried to open the door and he tried to  
 13 physically assault you, correct?  
 14 A. Yes.  
 15 Q. And he also told a kitchen worker that when he sees you  
 16 he'll finish you, right?  
 17 A. I don't remember.  
 18 Q. Well, didn't you file a --  
 19 MS. ESPINOSA: Objection.  
 20 THE COURT: Just a moment. There's no answer to that  
 21 question.  
 22 Move on.  
 23 BY MR. SCHNEIDER:  
 24 Q. Did you file a formal, official complaint with the warden  
 25 at GEO?

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1 A. Yeah, I filed a complaint telling the warden that he --  
 2 because I was already on thin ice, like, they was trying to  
 3 kick me out. I said if I get into a fight with him, it's not  
 4 my fault.  
 5 Q. Right.  
 6 A. And I explained what's going on.  
 7 Q. Right. And the official --  
 8 MR. SCHNEIDER: Sorry, your Honor.  
 9 Q. By the way, when you file an official complaint at GEO, you  
 10 handwrite it, don't you?  
 11 A. Yes.  
 12 Q. And didn't you handwrite an official complaint on February  
 13 11, 2019, against Raymito Castillo?  
 14 A. Yes.  
 15 Q. And when that complaint -- you want the warden to act on  
 16 your complaints, don't you?  
 17 A. Yes.  
 18 Q. And didn't you write in the complaint to the warden that  
 19 you were told by a kitchen worker that if he catches you, he's  
 20 going to finish me? Did you tell that to the warden about  
 21 Raymond Castillo?  
 22 A. Yes.  
 23 Q. And another time you had seen Raymond Castillo in GEO,  
 24 didn't you? Other than this time, other than this one time you  
 25 talked about, right?

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1 A. Yes.  
 2 Q. And you and he spoke about somebody snitching, right ?  
 3 A. I don't remember, sir.  
 4 Q. Weren't you worried about -- somebody mentioned that he was  
 5 worried about you snitching against Milton?  
 6 A. I don't remember.  
 7 Q. Now, if we could move on for a second, when Ito -- did you  
 8 know who Ito was back in 2014?  
 9 A. Yes.  
 10 Q. Did you ever send any money to Ito in his commissary?  
 11 A. No.  
 12 Q. Did you ever visit Ito in jail?  
 13 A. No.  
 14 Q. Did you ever give any money to Ito's family?  
 15 A. No.  
 16 Q. Do you know if, if you know -- because you spoke to other  
 17 people from the 200, supposedly -- did anybody else hire a  
 18 lawyer for Ito?  
 19 A. To my knowledge, no.  
 20 Q. And do you know if anybody tried to pay his bail from the  
 21 200s?  
 22 A. No.  
 23 Q. Do you know if anybody from the 200s sent any money to him  
 24 in the commissary?  
 25 A. I knew Milton did.

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1 Q. And that's the only one, right, as far as you know ?  
 2 A. Yeah.  
 3 Q. Now, you had talked briefly -- you saw a video of Christian  
 4 Pabon with a razor in his mouth, right?  
 5 A. Yes.  
 6 Q. That's kind of a Bloods thing, isn't it?  
 7 A. Not really. Other people do it too.  
 8 Q. OK. By the way, you never saw him cut anybody, did you?  
 9 A. No.  
 10 Q. You never heard anybody say that they saw him cut anybody,  
 11 did you?  
 12 A. No.  
 13 Q. Now, you say that -- I think you said it was when you first  
 14 got out of jail, the first or second day you got out of jail,  
 15 you were with Milton, right?  
 16 A. Yes.  
 17 Q. And you were driving around in a Dodge Charger, correct ?  
 18 A. I don't think it was a Charger because I know I had it  
 19 parked, and I registered it, like -- I don't remember what car  
 20 we was in, honestly. I know we was in a car, though.  
 21 Q. OK. And you were with Milton, and that's when you say he  
 22 made some statements to you, there was nobody else present, was  
 23 there?  
 24 A. No.  
 25 Q. Now, you mentioned something about Skrilla, remember that ?

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1 stuff out on a computer, correct?  
 2 A. Correct.  
 3 Q. At that time, on April 14 of 2022, didn't you specifically  
 4 tell these prosecutors here that you did not talk to Banga  
 5 directly about the murder? Didn't you say that to them ?  
 6 A. Yes. Thank you for reminding me.  
 7 Q. My pleasure.  
 8 And not only didn't you talk to him about the murder, but  
 9 you never heard him say anything to anybody else about the  
 10 murder, did you?  
 11 A. No.

(Continued on next page)

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1 A. Yeah.  
 2 Q. S-K-R-I-L-L-A, Skrilla, right?  
 3 A. Yes.  
 4 Q. You also mentioned that -- and by the way, that was a time  
 5 when there was a, supposedly trying to rob him, right ?  
 6 A. Yeah.  
 7 Q. Did anybody ever take any money from him or jewelry ?  
 8 A. Jewelry, yeah.  
 9 Q. \$150,000 worth?  
 10 A. No. Probably like 20-, 30,000 worth.  
 11 Q. OK. In addition to speaking to Milton on the car ride  
 12 after you were in jail, you say you also spoke to Milton a few  
 13 times about Ito's situation, correct?  
 14 A. Yeah.  
 15 Q. At any time during any of those conversations, was anybody  
 16 else present?  
 17 A. I don't remember.  
 18 Q. And in fact, you never once talked to Christian directly  
 19 about the murder, did you?  
 20 A. I don't remember.  
 21 Q. You -- on April 14 of 2022, that was one of your prep  
 22 sessions with the government, remember that?  
 23 A. Correct.  
 24 Q. OK. And at that time you were speaking to the prosecutors,  
 25 and not only taking notes, they were, like, kind of typing

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1 Q. Now, you had mentioned Kevin when you saw one of the  
 2 photographs, right?  
 3 A. Yes.  
 4 Q. You know who Kevin was, correct?  
 5 A. Yes.  
 6 Q. He was a Blood, right?  
 7 A. Yes.  
 8 Q. Big Homie?  
 9 A. Yes.  
 10 Q. And in fact he was the Big Homie for Christian, wasn't he?  
 11 A. Correct.  
 12 Q. You are not now nor ever was a 200, right?  
 13 A. No.  
 14 Q. You were a Trinitario, right?  
 15 A. Yes.  
 16 Q. And the only reason you are not Trinitarios now is because  
 17 you are a rat snitch, which is how they would view you?  
 18 MS. ESPINOSA: Objection.  
 19 THE COURT: Yes, sustained.  
 20 Q. Isn't that how the Trinitarios would view you?  
 21 A. That's exactly how it works.  
 22 Q. Thank you.  
 23 So because you are testifying and they would call you  
 24 that, you are no longer in that gang, right?  
 25 A. Correct.

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1 Q. So I think you said that you were an associate of the 200s,  
 2 right?  
 3 A. Correct.  
 4 Q. And you said Yasmil was an associate also?  
 5 A. Yes.  
 6 Q. Now, when you say you were an associate, does that mean you  
 7 tried to get in and they said no?  
 8 A. No.  
 9 Q. Does that mean they ask you and you said no?  
 10 A. No.  
 11 Q. Does that mean that there was some kind of thing that they  
 12 wanted you to do that you didn't or wouldn't want to do?  
 13 A. No.  
 14 Q. But as, quote, an associate, you would hang with them in  
 15 the neighborhood, right?  
 16 A. Correct.  
 17 Q. You would commit crimes with them in the neighborhood or  
 18 out of the neighborhood, right?  
 19 A. Correct.  
 20 Q. You didn't give any of the money that you received in any  
 21 of your crimes, you didn't have to turn it over to the 200s,  
 22 did you?  
 23 A. Correct.  
 24 Q. And any of the crimes that -- any of the money that the  
 25 200s received, they didn't give to you, did they?

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1 A. Correct.  
 2 Q. So you didn't share anything with the 200s, did you ?  
 3 A. No, unless we committed, like, a robbery together or  
 4 something, and we were splitting proceeds.  
 5 Q. Exactly. And you split the proceeds because that's the  
 6 person you committed the crime with, correct?  
 7 A. Correct.  
 8 Q. You would do that with anybody, wouldn't you ?  
 9 A. Correct.  
 10 Q. If you did it with a Blood, Trinitario, Latin King,  
 11 anybody, you would still split the proceeds, right?  
 12 A. Yes.  
 13 Q. It had nothing to do with them being 200s, right?  
 14 A. Correct.  
 15 Q. You didn't pay them rent, did you?  
 16 A. Correct  
 17 Q. And "rent" meaning they didn't give you permission to hang  
 18 out on the block or sell drugs, right?  
 19 A. Correct.  
 20 Q. You didn't have to do that, did you?  
 21 A. No.  
 22 Q. And you were not a member, were you?  
 23 A. No.  
 24 Q. So you committed crimes in the neighborhood and that was  
 25 okay, right?

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1 A. I guess, yes.  
 2 Q. When I say okay, no one stopped you, right?  
 3 A. Correct.  
 4 Q. And you committed crimes with the 200s. You also committed  
 5 crimes with other people who were not 200s, correct?  
 6 A. Correct.  
 7 Q. And the fact is, in September of 2014, you had no idea that  
 8 Christian was supposedly a 200, did you?  
 9 A. Nah, I knew he was a 200.  
 10 Q. You didn't learn it until after you got out of jail, did  
 11 you?  
 12 A. No, I knew he was a 200 before I went in jail.  
 13 (Pause)  
 14 Q. I'm sorry, your Honor. I need a few more seconds. I'm  
 15 sorry.  
 16 (Pause)  
 17 Q. I remind you again from the April 14, 2022 proffer session  
 18 with these prosecutors, didn't you tell them that you weren't  
 19 aware Banga being 200 until after you came out of doing your  
 20 one and a half to three?  
 21 A. No, that's not true.  
 22 Q. So that would be -- if that's in their report, that's a  
 23 mistake?  
 24 MS. ESPINOSA: Objection.  
 25 THE COURT: Sustained.

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1 BY MR. SCHNEIDER:  
 2 Q. If it's in their notes, that would be wrong.  
 3 MS. ESPINOSA: Objection.  
 4 THE COURT: Sustained.  
 5 A. Yes.  
 6 Q. You know a guy back then named Frankie?  
 7 A. Yes.  
 8 Q. In fact, Frankie was not 200, was he?  
 9 A. No, sir.  
 10 Q. But he was kind of like a boss of the area, wasn't he?  
 11 A. Of that block, yes.  
 12 Q. He controlled the spot, didn't he?  
 13 A. Yes.  
 14 Q. A weed spot, right?  
 15 A. Yes.  
 16 Q. He had that spot for many years, right?  
 17 A. Correct.  
 18 Q. And as far as you know, when Raymito and Milton came out of  
 19 jail and came to the block, they did not kick Frankie out of  
 20 the block, did they?  
 21 A. No.  
 22 Q. As far as you, know Frankie doesn't pay rent to anybody  
 23 from 200, does he?  
 24 A. No.  
 25 Q. When you were in jail, did Christian ever put any money in

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1 your commissary?  
 2 A. No.  
 3 Q. Did he ever visit you?  
 4 A. No.  
 5 Q. Did he ever pay for your lawyer or your bail?  
 6 A. No.  
 7 Q. Did you ever speak to him on the phone?  
 8 A. No.  
 9 Q. Did you ever write or receive any letters?  
 10 A. No.  
 11 Q. Did you ever pay for any of his legal issues?  
 12 A. No.  
 13 Q. Now, when you spoke about breaking, again, without going  
 14 into the detail, that's when you convince people that you are  
 15 something that you are not, right?  
 16 A. Yes.  
 17 Q. You kind of put on a show for them, to act like you are  
 18 either a very expensive drug dealer with a lot of money about  
 19 to do a deal, right?  
 20 A. Correct.  
 21 Q. And when you do that, you act a certain way. You get  
 22 certain clothes, certain cars, right?  
 23 A. Yeah.  
 24 Q. In fact, you even rent a car and you will take the sticker  
 25 off the car so that the victim won't know that it's a rental

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1 car, right?  
 2 A. Correct.  
 3 Q. And you sometimes change the license plate so they will not  
 4 get an idea of where it's from, right?  
 5 A. No. The plates we leave it, but we initially get a rental  
 6 with an out-of-state plate that makes sense with where I'm  
 7 going.  
 8 Q. I appreciate that.  
 9 When you say out of state, you didn't just break in  
 10 New York. I think you said you supposedly broke with Christian  
 11 in Sunset Park. You also broke in other states, right?  
 12 A. Yes.  
 13 Q. That's North Carolina?  
 14 A. Correct.  
 15 Q. Texas?  
 16 A. Yes.  
 17 Q. New Jersey?  
 18 A. Yes.  
 19 Q. Kentucky?  
 20 A. Yes.  
 21 Q. Georgia?  
 22 A. Yes.  
 23 Q. Pennsylvania?  
 24 A. Yes.  
 25 Q. And when you did all those crimes in those states, you did

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1 it with other people usually, right?  
 2 A. Yes.  
 3 Q. Never once with Christian Pabon, did you?  
 4 A. Out of state?  
 5 Q. That's what I said, out of state.  
 6 A. Nah, never.  
 7 Q. And fair to say that you were successful more often than  
 8 you were not successful?  
 9 A. Yes.  
 10 Q. How many times did you get caught? And I don't mean by the  
 11 police, how many times did the deal not happen because you were  
 12 found out as being a fraud?  
 13 A. I would say probably less than five times.  
 14 Q. And is it fair to say that you have done this, I don't  
 15 know, hundreds of times?  
 16 A. Yes.  
 17 Q. Pretty good winning percentage won't you say?  
 18 A. Yes.  
 19 Q. So the fact is, when you were there doing this, these  
 20 victims all believed you, didn't they?  
 21 A. Correct.  
 22 Q. These victims always accepted what you say to be the truth,  
 23 right?

24 MS. ESPINOSA: Objection.  
 25 THE COURT: Sustained.

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1 BY MR. SCHNEIDER:  
 2 Q. Well, the victims didn't confront you. The victims did  
 3 what you asked them to do, right?  
 4 A. Yes.  
 5 Q. They bought the fake drugs, right?  
 6 A. Yes.  
 7 Q. So when you told them they were real, the victims believed  
 8 you, right?  
 9 A. Yes.  
 10 MS. ESPINOSA: Objection.  
 11 THE COURT: I'll allow it.  
 12 A. They didn't believe me. I had to show them. It's a  
 13 process.  
 14 Q. Right. Okay. And the way you showed them, you were smart,  
 15 you took a sample of real drugs, right?  
 16 A. Yes.  
 17 Q. So you gave -- so in order to avoid them catching you, you  
 18 were able to figure out, ah-ha, let me give them a real sample  
 19 to suck them in, right?  
 20 A. Correct.  
 21 Q. And then after they had the real sample and they said,  
 22 okay, I like your product, then you went and put the fake stuff  
 23 in, right?  
 24 A. Something like that, yes.  
 25 Q. Now, you mentioned somebody named Epps, E-P-P-S. That name

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1 sound familiar to you?  
 2 A. Yes.  
 3 Q. That's a guy who was lucky enough to be robbed by you  
 4 twice, right?  
 5 A. Yes.  
 6 Q. Not just once, but you had a home invasion with him on two  
 7 separate occasions, right?  
 8 A. Yes.  
 9 Q. And it wasn't just him. His mother was in the house, too,  
 10 right?  
 11 A. Yes.  
 12 Q. And the first time when you went there you were looking for  
 13 marijuana. When you say you, it was you and others, right?  
 14 A. Yes.  
 15 Q. Who else was it the first time?  
 16 A. Me, Yasmil, a guy that he brought from the Bronx that I  
 17 didn't know, and it's possible somebody else was involved. I  
 18 can't remember.  
 19 Q. But it wasn't Christian Pabon, was it?  
 20 A. No.  
 21 Q. So when you went there, without getting into the details,  
 22 the fact is you tied up his -- not you, the whole group of you  
 23 tied up his mother, right?  
 24 A. Yes.  
 25 Q. And he, Epps, was hog tied, meaning he was tied up with his

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1 hands behind his back and his feet and ankles tied also, right?  
 2 A. Yes.  
 3 Q. So is you tied both of them up, the mother and Mr. Epps,  
 4 correct?  
 5 A. Yes.  
 6 Q. Who had a weapon?  
 7 A. I don't remember.  
 8 Q. But other than them being tied up, they weren't physically  
 9 hurt, were they?  
 10 A. No, but I would assume like getting tied up is painful.  
 11 Q. Yes. But they weren't hit or shot or burned at that time,  
 12 were they?  
 13 A. No.  
 14 Q. And at that point the mother was screaming, just give them  
 15 whatever they want, right?  
 16 A. She was actually quiet.  
 17 Q. She was quiet. But she was hog tied on the bed?  
 18 A. I don't think she was hog tied.  
 19 Q. Just regular tied?  
 20 A. Yeah.  
 21 Q. Now, the second time -- so you looked for marijuana the  
 22 first time. Some years later, you went looking for some  
 23 cocaine, right?  
 24 A. Yes.  
 25 Q. You thought there were a few kilos of cocaine, correct?

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1 A. Yes.  
 2 Q. Now, a kilo is 2.2 pounds of cocaine, right?  
 3 A. Yes.  
 4 Q. So three kilos is 6.6 pounds of cocaine, right, if you do  
 5 the math?  
 6 A. 3,000 grams.  
 7 Q. 3,000 grams. That could be sold for how many hundreds of  
 8 thousands of dollars?  
 9 A. In total?  
 10 Q. Yeah.  
 11 A. Over a hundred. It depends. Maybe a little bit under a  
 12 hundred.  
 13 Q. Okay. And that's what you are looking for because you  
 14 believe Epps had a stash of these drugs, right?  
 15 A. Yes.  
 16 Q. Now, at that point for this particular home invasion, you  
 17 were outside, weren't you?  
 18 A. Yes.  
 19 Q. You were a lookout.  
 20 A. Yes.  
 21 Q. But you knew what was going on.  
 22 A. Yes.  
 23 Q. You knew what they were doing.  
 24 A. Yes.  
 25 Q. You knew what the plan was going in, right?

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1 A. Yes.  
 2 Q. And also at some point you spoke to Raymito on the phone,  
 3 right, from inside.  
 4 A. No.  
 5 Q. Well, didn't Raymito ever speak to you and say, We can't  
 6 find this stuff on speakerphone?  
 7 A. Raymito had nothing to do with that robbery, sir.  
 8 Q. Raymito wasn't involved on the speakerphone?  
 9 A. No. There was -- the other two people involved had a  
 10 speaker, had the phone on speaker, asking -- telling us they  
 11 can't find it or whatever.  
 12 Q. All right.  
 13 A. I never mentioned Raymito as part of that robbery.  
 14 Q. My apologies.  
 15 And at that point when you hear these people talking on the  
 16 speakerphone, you also hear Epps screaming, don't you?  
 17 A. Yes, sir.  
 18 Q. You hear him screaming like he is getting tortured, right?  
 19 A. Correct.  
 20 Q. And you found out that he in fact was being tortured,  
 21 right?  
 22 A. Yes.  
 23 Q. His face was burned with a hot iron, correct?  
 24 A. Yes.  
 25 Q. And in fact you knew it was happening as it was happening,

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1 right?  
 2 A. Yes.  
 3 Q. You didn't tell the guys on the phone, hey, don't do it,  
 4 stop it, cut it out, did you?  
 5 A. No. I'm just as guilty.  
 6 Q. By the way, these home invasions, Christian Pabon was not  
 7 part of that, was he?  
 8 A. No, I never done a home invasion with him before.  
 9 Q. Now, there was a point in time in your career when you had  
 10 a 2012 Mercedes Benz, right?  
 11 A. Yes.  
 12 Q. And at some point in 2016 you didn't want it anymore, did  
 13 you?  
 14 A. Correct.  
 15 Q. You didn't try to sell it, did you?  
 16 A. No.  
 17 Q. You in fact figured out a scheme to try to scam an  
 18 insurance company to get money for it, right?  
 19 A. Correct.  
 20 Q. So Lefty, Luis Fedor, introduced you to a guy named Coco,  
 21 right?  
 22 A. Yes.  
 23 Q. And Coco had agreed to crash your car for you, right?  
 24 A. Yes.  
 25 Q. And you and your girlfriend at the time rented a car,

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1 right.  
 2 A. I already had the rental.  
 3 Q. Okay. So you rented it in preparation for the scam, right?  
 4 A. No, I always had my car and a rental.  
 5 Q. Okay. And that was so that you can use one for crime and  
 6 one for social stuff?  
 7 A. Yes.  
 8 Q. So you were now using the rental for a crime, correct?  
 9 A. Well, yeah.  
 10 Q. And at that point you come to a specific area, you and your  
 11 girlfriend in a rental car, and Coco gets into your car, right ?  
 12 A. Yes.  
 13 Q. And you check the streets for cameras , so you make sure  
 14 there is no video surveillance that you can be caught on  
 15 camera, right?  
 16 A. Correct.  
 17 Q. And there was a plan that was set up between you and Coco  
 18 and your girlfriend --  
 19 A. No, no, she had nothing to do with it.  
 20 Q. Okay, but she was present.  
 21 A. Yes.  
 22 Q. And she actually helped you, didn't she?  
 23 A. Like I said, she didn't concoct any plans to do anything.  
 24 She was doing what I told her.  
 25 Q. What you told her to do?

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1 A. No, I just -- after he crashed the car, I got in the car  
 2 with her, and Coco left in my rental and I called the cops and  
 3 said --  
 4 Q. We will get to that. You are --  
 5 A. All right.  
 6 Q. -- jumping ahead of me. Okay?  
 7 The plan was to wait and see a garbage truck pass by,  
 8 right?  
 9 A. Yes.  
 10 Q. And then after it passes by, Coco was going to crash the  
 11 car and he did in fact crash the car into a parked car, right ?  
 12 A. Yes.  
 13 Q. And then he got out and you and your girlfriend got into  
 14 the crashed car, right?  
 15 A. Yes.  
 16 Q. And then when you get into the crashed car, you called  
 17 9-1-1, right?  
 18 A. Yes.  
 19 Q. And you lied to the 9-1-1 operator, didn't you?  
 20 A. Yes.  
 21 Q. You said the garbage truck had sideswiped your car , forcing  
 22 you to crash into the parked car, right?  
 23 A. Correct.  
 24 Q. That was a lie, wasn't it?  
 25 A. Correct.

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1 Q. And as you are at the scene, the cops come to you and say,  
 2 oh my God, are you okay? What happened? Right?  
 3 A. Yes.  
 4 Q. And you lied to the police officers, didn't you?  
 5 A. And the insurance company.  
 6 Q. I'm getting there.  
 7 A. Okay.  
 8 Q. Don't get ahead of me.  
 9 Right? All of a sudden, you lied to the police as to  
 10 what happened, right?  
 11 A. Yes.  
 12 Q. And then you filed a formal insurance claim, right?  
 13 A. Yes.  
 14 Q. And you lied on that formal insurance claim, correct?  
 15 A. Yes.  
 16 Q. And that was State Farm Insurance Company ?  
 17 A. Yes, sir.  
 18 Q. And not only that, you sat for a deposition, correct?  
 19 A. Correct.  
 20 Q. A deposition is when you testify after being questioned not  
 21 in a courtroom, in an office usually, right, conference room,  
 22 right?  
 23 A. Correct.  
 24 Q. And that happened in this case, didn't it?  
 25 A. Yes.

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1 Q. And in this deposition --

2 THE COURT: Not in this case.

3 MR. SCHNEIDER: I'm sorry.

4 Q. In the case you were involved in. I apologize. In the  
5 insurance fraud case, that was a deposition in the conference  
6 room, correct?

7 A. Yes.

8 Q. And you took an oath, didn't you?

9 A. Yes.

10 Q. You took an oath very similar, if not the same, to the oath  
11 you took here today or yesterday, whenever you took, right?

12 A. Correct.

13 Q. You swore to tell the truth at that deposition, right?

14 A. Correct.

15 Q. And what you did under oath at that deposition in order for  
16 you to get money was you lied, didn't you?

17 A. Correct.

18 Q. And the people, the insurance company believed you because  
19 they gave you money, right?

20 A. Correct.

21 Q. They gave you \$31,000 as part of your insurance scam,  
22 right?

23 A. Correct.

24 Q. Now, whether Christian has long hair or short hair, you  
25 still were able to recognize his pictures, weren't you?

1 A. Yes.

2 Q. As far as you know, he never dyed his hair, did he?

3 A. No.

4 Q. And whether he had long hair, short hair, when you see his  
5 face, his face didn't change, right?

6 A. Yes.

7 Q. You are still able to recognize him, correct?

8 A. Yes.

9 Q. And you recognize him from pictures and even in person,  
10 isn't that right?

11 A. Yes.

12 Q. His weight didn't change or his height, did it?

13 A. No, it didn't change.

14 Q. Facial hair didn't change, he didn't grow a beard or shave  
15 off what he had, did he?

16 A. No.

17 Q. You have seen some tattoos on Christian, haven't you?

18 A. I know he has tattoos. I don't know specifically which  
19 ones are they.

20 Q. You know he doesn't have any of 200 or you don't know that ?

21 A. Oh, I don't know. I never seen him with no 200 tattoos.

22 Q. But you did see him with some Bloods tattoos, RR for Rolls  
23 Royce, right?

24 A. I didn't see that neither.

25 Q. Okay. And you have a neck tattoo, don't you?

1 A. Yes.

2 Q. What --

3 THE COURT: How much longer do you have, sir?

4 MR. SCHNEIDER: It's my last question.

5 Q. Tell the jurors what your neck tattoo says?

6 A. "Trust no one."

7 MR. SCHNEIDER: Thank you. Nothing else.

8 MS. ESPINOSA: Brief redirect, your Honor.

9 THE COURT: Yes.

10 REDIRECT EXAMINATION

11 BY MS. ESPINOSA:

12 Q. Mr. Lopez, on cross-examination, you were asked some  
13 questions about guns you were arrested for during your initial  
14 meeting with the government. Do you remember that ?

15 A. Yes.

16 Q. And you -- now, those guns that you were arrested for  
17 during that initial meeting, were those your guns?

18 A. Yes.

19 Q. And were they in a location where you had put them?

20 A. Yes.

21 Q. What guns were they in particular?

22 A. One was a compact .45, it was the brand Taurus. The style  
23 was Millennium.

24 Q. And the second gun, what gun was that?

25 A. A two-shot Derringer, the one that I received from the Epps

1 second home invasion.

2 Q. You were also, on cross-examination, asked some questions  
3 about your bad behavior in jail. Do you remember that ?

4 A. Yes.

5 Q. To your understanding, will the judge who sentences you  
6 know about all of that behavior?

7 A. He would know about all of them.

8 Q. Will he know about the fights?

9 A. Correct.

10 Q. And what about the drugs?

11 A. Everything.

12 Q. Now, on cross-examination, you were also asked a few  
13 questions about the government's notes of meetings with you,  
14 right?

15 A. Yes.

16 Q. Did you take those notes? Did you take any notes during  
17 meetings with the government?

18 A. No.

19 Q. Did you ever review notes that anyone else took during  
20 meetings with the government?

21 A. Never. Not one time.

22 Q. Did anyone ask to review the substance --

23 MR. SCHNEIDER: Objection. Leading.

24 THE COURT: I will allow that. Go ahead.

25 Q. Did anyone ask to review the substance of those notes with



1 you?  
 2 A. No.  
 3 Q. Mr. Lopez, do you know who all of the other government  
 4 witnesses in this case are?  
 5 A. No. In fact, I asked you guys a couple times in the  
 6 meeting and you guys told me you can't tell me that.  
 7 Q. And do you know what the government's evidence is in this  
 8 case?  
 9 A. No.  
 10 Q. Do you have any idea if your testimony is consistent or  
 11 inconsistent with other evidence?  
 12 MR. SCHNEIDER: Objection. Objection.  
 13 THE COURT: I'll allow it.  
 14 A. No.  
 15 Q. Does the outcome of this case matter to you? Does it  
 16 matter -- I apologize let me rephrase that.  
 17 Does the outcome of this case, to your understanding,  
 18 have any impact on whether or not you get a 5K1 letter?  
 19 A. It doesn't, and I would actually like him to win.  
 20 Q. If you lie on the stand today and the defendant is  
 21 convicted, will you get a 5K1 letter?  
 22 A. No.  
 23 Q. If you tell the truth and the defendant is acquitted, will  
 24 you get a 5K1 letter?  
 25 A. Yes.

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1 MS. ESPINOSA: May I have one moment, your Honor?  
 2 THE COURT: Yes.  
 3 (Counsel confer)  
 4 MS. ESPINOSA: No further questions, your Honor .  
 5 THE COURT: All right. Thank you. You are excused,  
 6 sir, Mr. Lopez. You may step down.  
 7 THE WITNESS: Thank you.  
 8 MR. SCHNEIDER: No recross, your Honor. Thank you.  
 9 (Witness excused).  
 10 MS. ESPINOSA: Your Honor, once the witness steps  
 11 down, it might be a good time for a break to give the marshals  
 12 time for the next witness.  
 13 THE COURT: All right.  
 14 Ladies and gentlemen, why don't you take a 10- to  
 15 15-minute break.  
 16 It is the intention of this Court at this time to end  
 17 at about 4:30 today. We will see. But right now, 4:30.  
 18 Take your break. Thank you.  
 19 (Continued on next page)  
 20  
 21  
 22  
 23  
 24  
 25

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1 (Jury not present)  
 2 THE COURT: You may be seated in the courtroom.  
 3 What's the expected timing for the government here , this  
 4 witness and next witnesses?  
 5 MS. BHASKARAN: Your Honor, our next witness, I expect  
 6 the direct will be approximately 45 minutes or less.  
 7 THE COURT: All right. The witness who is coming up  
 8 today.  
 9 MS. BHASKARAN: Yes.  
 10 THE COURT: And after that? So that will be probably  
 11 it's 3:30 to 4:30, there will be some cross on that witness  
 12 tomorrow.  
 13 MS. BHASKARAN: Your Honor, for tomorrow we have  
 14 anywhere from one to three witnesses. One witness is definite,  
 15 and I think I believe his testimony is about 45 minutes. He is  
 16 a summary witness. With respect to the other two witnesses,  
 17 one's availability is contingent on a medical issue that that  
 18 witness has been dealing with. We will find out tonight or  
 19 tomorrow whether her medical condition will make her available  
 20 for testimony tomorrow.  
 21 With respect to the third witness, there are other  
 22 complications with that witness. At this time we just don't  
 23 know if that witness will be in the courthouse.  
 24 THE COURT: All right. Then I think what we should do  
 25 is bring this jury in at the regular time tomorrow and we will

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1 see. All right.  
 2 So the government may close -- it looks like the  
 3 government may close late morning, early afternoon, is that  
 4 fair?  
 5 MS. BHASKARAN: Tomorrow, your Honor?  
 6 (Counsel confer)  
 7 MS. BHASKARAN: Rest, yes.  
 8 THE COURT: I'm sorry. I didn't mean to scare all the  
 9 lawyers.  
 10 MR. SCHNEIDER: A lot of panic.  
 11 THE COURT: Yeah. It looks like nobody is going to be  
 12 closing tomorrow, if that can give some relief. But let's take  
 13 it as it comes. All right. It sounds like you are going to  
 14 rest tomorrow late morning, early afternoon.  
 15 MS. BHASKARAN: Yes, your Honor, with one request. In  
 16 light of the complications with these two other witnesses,  
 17 which includes a medical issue, the government would request  
 18 the Court's flexibility to perhaps allow us to formally rest on  
 19 Tuesday morning just to see whether those issues alleviate  
 20 themselves. But we might be prepared -- if those witnesses are  
 21 not available, we will be prepared to close first thing Tuesday  
 22 morning.  
 23 THE COURT: Well, I don't think I need a response from  
 24 the defense at this point because we don't know what's going to  
 25 happen tomorrow.

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1 All right. Let's let it go at that. All right.  
 2 (Recess)  
 3 MR. HOBSON: Your Honor if we can say one thing before  
 4 the jury enters, we are going to --  
 5 THE COURT: Yes. Everyone may be seated in the  
 6 courtroom.  
 7 MR. HOBSON: We are going to introduce the stipulation  
 8 about the defendant's prior gun arrest and the gun that was  
 9 recovered in that arrest that was subject of the motions *in*  
 10 *limine*. We have conferred with defense counsel, and they  
 11 believe that we have introduced the evidence that we have  
 12 proffered that supported the Court's ruling. This is without  
 13 prejudice to them continuing to raise their objection, but they  
 14 agree that the foundation for your motion *in limine* ruling has  
 15 been met.  
 16 THE COURT: All right. Fine. And when do you want to  
 17 do that?  
 18 MR. HOBSON: We are going to do that as soon as the  
 19 jury comes in and then we are going to begin Mr. Fedor's  
 20 direct.  
 21 THE COURT: You said 45 minutes. That would bring us  
 22 to 4:30. We will see, see how it goes. I would like to end  
 23 around 4:30.  
 24 (Continued on next page)  
 25

1 Your Honor, the government offers Government Exhibit  
 2 S8, 604, and 238 into evidence.  
 3 THE COURT: Any objection?  
 4 MR. SCHNEIDER: None other than our argument earlier,  
 5 your Honor.  
 6 THE COURT: Other than the legal argument.  
 7 Admitted.  
 8 (Government's Exhibits S8, 604, and 238 received in  
 9 evidence)  
 10 MR. HOBSON: Ms. Abrams, can you please publish  
 11 Government Exhibit 238 to the jury.  
 12 And, your Honor, may I walk Government Exhibit 604 in  
 13 front of the jury?  
 14 THE COURT: Yes. 238 is a picture and 604 is the  
 15 weapon itself?  
 16 MR. HOBSON: Is the weapon and bullets.  
 17 THE COURT: All right.  
 18 Again, ladies and gentlemen, you know you can see any  
 19 of the exhibits when you are in your deliberations or have any  
 20 of the testimony read back if you so requested.  
 21 MS. BHASKARAN: Your Honor, the government calls Luis  
 22 Fedor.  
 23 THE COURT: Actually, what I told you may not be true.  
 24 Because of COVID, we may be doing all of this on disks,  
 25 electronics disks. I'm not quite sure where the protocols

1 THE COURT: Jury entering. Please rise in the  
 2 courtroom.  
 3 (Jury present)  
 4 THE COURT: Please be seated in the courtroom. Next  
 5 witness for the government.  
 6 MR. HOBSON: Your Honor, at this time the government  
 7 has a stipulation to read into the record.  
 8 THE COURT: Yes, sir.  
 9 MR. HOBSON: The parties have stipulated and agreed  
 10 that on September 11, 2015, Christian Pabon, the defendant, was  
 11 arrested in the vicinity of Sherman Avenue and Academy Street  
 12 in northern Manhattan following a lawful traffic stop of a  
 13 vehicle. Three individuals were present in the vehicle,  
 14 including Pabon. Pabon was a passenger in the rear seat of the  
 15 vehicle.  
 16 NYPD officers recovered a loaded 9 millimeter firearm  
 17 from the rear floor of the vehicle which has been marked as  
 18 Government Exhibit 604. Government Exhibit 238 is a photograph  
 19 of the firearm.  
 20 On June 7, 2016, Christian Pabon, the defendant, pled  
 21 guilty in New York County Supreme Court to attempted criminal  
 22 possession of a weapon in the second degree.  
 23 It is further stipulated and agreed that the above  
 24 government exhibits and the stipulation may be received in  
 25 evidence at trial.

1 stand now; but, in any event, you will either have it  
 2 electronically or you will have it in real life, anything you  
 3 want.  
 4 Go ahead, Ms. Bhaskaran.  
 5 LUIS FEDOR,  
 6 called as a witness by the government,  
 7 having been duly sworn, testified as follows:  
 8 DIRECT EXAMINATION  
 9 BY MS. BHASKARAN:  
 10 Q. Good afternoon, Mr. Fedor.  
 11 A. Good afternoon.  
 12 Q. Mr. Fedor, do you go by any nicknames?  
 13 A. Lefty.  
 14 Q. How old are you?  
 15 A. 34.  
 16 Q. Where were you born?  
 17 A. Manhattan, New York.  
 18 Q. Where did you grow up?  
 19 A. Dyckman.  
 20 Q. What part of Manhattan is that?  
 21 A. Uptown Manhattan.  
 22 Q. Where do you live now?  
 23 A. Jail.  
 24 Q. Which jail?  
 25 A. Essex County.

1 Q. Are you in federal custody or state custody?  
 2 A. Federal custody.  
 3 Q. When did you enter federal custody?  
 4 A. 2017, September.  
 5 Q. What crime were you arrested for?  
 6 A. Kidnapping and discharging.  
 7 Q. And when you say "discharging," what do you mean?  
 8 A. Firing a gun.  
 9 Q. Since you were arrested, have you pleaded guilty to any  
 10 crimes?  
 11 A. Yes.  
 12 Q. Which crimes?  
 13 A. Hobbs Act robberies, drug conspiracy, kidnappings,  
 14 discharging, burglarizing pharmacies, and robberies.  
 15 Q. How about racketeering?  
 16 A. Yes.  
 17 Q. What did you do that made you guilty of racketeering?  
 18 A. I associated myself with gang members.  
 19 Q. Of which gang?  
 20 A. The 200s and Trinitarios.  
 21 Q. Now, Mr. Fedor, who were some of the main 200 members that  
 22 you used to associate with?  
 23 A. Raymito, Milton, Banga, and a couple more 200s I can't  
 24 remember right now.  
 25 Q. Mr. Fedor, you mentioned someone by the name of Banga. Do

1 you know what Banga's legal name is?  
 2 A. No.  
 3 Q. What, if any, gangs was Banga a member of?  
 4 A. Sex Money Murder and 200.  
 5 MS. BHASKARAN: Your Honor, I'm going to ask the  
 6 witness to do an in-court identification.  
 7 THE COURT: I'm going to ask those in the well to take  
 8 their masks off. Thank you.  
 9 Q. Mr. Fedor, looking around the courtroom, do you see Banga ?  
 10 A. Yes.  
 11 Q. Can you identify him by where he is seated or by an article  
 12 of clothing that he is wearing?  
 13 A. He has a beard and a black shirt.  
 14 THE COURT: Is he at the first table or the second  
 15 table.  
 16 THE WITNESS: First table right there, your Honor.  
 17 THE COURT: Well, my question wasn't a very good one.  
 18 MR. SCHNEIDER: Your Honor, we will concede he's  
 19 identified Mr. Pabon.  
 20 THE COURT: Yes. Thank you. The witness has  
 21 identified the defendant. Thank you.  
 22 Next.  
 23 BY MS. BHASKARAN:  
 24 Q. Mr. Fedor have you been sentenced for the crimes that you  
 25 have pleaded guilty to?

1 A. No.  
 2 Q. When you pleaded guilty, did you enter into a cooperation  
 3 agreement with the government?  
 4 A. Yes.  
 5 Q. What's your understanding of what you are required to do  
 6 under your cooperation agreement?  
 7 A. Tell the truth and everything but the truth.  
 8 Q. What do you hope to gain by cooperating with the  
 9 government?  
 10 A. A 5K1 letter.  
 11 Q. What is your understanding at a high level of what a 5K1  
 12 letter will get you?  
 13 A. It could get me a less sentencing of what I got.  
 14 Q. Well, I'll ask you some more questions about that in a  
 15 moment, but first I would like to ask you about the 200.  
 16 So I believe you testified that you were an associate  
 17 of the 200, is that correct?  
 18 A. Yes.  
 19 Q. First of all, what is the 200?  
 20 A. A gang from Dyckman.  
 21 Q. And what is your understanding of why they are called the  
 22 200?  
 23 A. 'Cause of Dyckman Street, 200. It's the 200th Street.  
 24 Q. What's the gang's territory?  
 25 A. Academy and Arden and Dyckman.

1 Q. When did you start to associate with people in the 200?  
 2 A. After 2008 when I came out of jail -- 2010, mistaken --  
 3 2010 after I came out of jail.  
 4 Q. For how long did you associate with the 200?  
 5 A. Until I got locked up in 2017.  
 6 Q. And what do you mean by the word "associate"?  
 7 A. I hanged out, did crimes, committed a lot of crimes, hanged  
 8 out with them, I was around them.  
 9 Q. Were you a member of them?  
 10 A. I was associate.  
 11 Q. Were you a member of any other gang?  
 12 A. Trinitarios.  
 13 Q. What are the Trinitarios?  
 14 A. Spanish gang that was built in jail.  
 15 Q. To your knowledge, were other 200s members of other gangs ?  
 16 A. Yes, Blood, Mac Balla, and Trinitarios.  
 17 Q. Now, I believe you testified that you committed crimes with  
 18 the 200s, is that correct?  
 19 A. Yes.  
 20 Q. At a high level, what kinds of crimes did you commit with  
 21 the 200?  
 22 A. Robberies, burglaries, breaking, shootings, fleeing from  
 23 the police and a lot of other crimes, sell drugs.  
 24 Q. And in total, approximately how many crimes have you  
 25 committed with the 200?

1 A. A lot.  
 2 Q. Over 20?  
 3 A. Yes.  
 4 Q. Over 30?  
 5 A. Yes.  
 6 Q. Over 40?  
 7 A. You could say a little bit over 40.  
 8 Q. When you were associated with the 200, who were the gang's  
 9 leaders?  
 10 A. Milton and Raymito, if I'm not mistaken.  
 11 Q. Did Milton go by any other names?  
 12 A. Blanquito, Maybach, and Milton.  
 13 Q. Do you know why he was called Maybach?  
 14 A. Not sure.  
 15 Q. Ms. Abrams, can you please publish Government Exhibit 203  
 16 which has been previously been received into evidence.  
 17 Mr. Fedor, do you recognize this person?  
 18 A. Yes.  
 19 Q. Who is it?  
 20 A. Milton.  
 21 Q. What was Milton's role in the 200?  
 22 A. He is the one that started the 200.  
 23 Q. Did you commit any crimes with Milton?  
 24 A. Yes.  
 25 Q. Ms. Abrams, can you take that down, please.

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1 Mr. Fedor, I believe you also mentioned an individual  
 2 named Raymito, correct?  
 3 A. Yes.  
 4 Q. Ms. Abrams could you please publish Government Exhibit 506  
 5 which was previously received into evidence.  
 6 Mr. Fedor, do you recognize this individual?  
 7 A. Yes, that's Raymito.  
 8 Q. What was Raymito's role in the gang?  
 9 A. He had his calls in the gang.  
 10 Q. What do you mean he had his calls?  
 11 A. He had respect. If he say something, they going to listen.  
 12 Q. Was he leader of the gang?  
 13 A. Yes.  
 14 Q. Did you commit crimes with Raymito?  
 15 A. Yes.  
 16 Q. Ms. Abrams, can you take that down, please.  
 17 Now, Mr. Fedor, apart from Milton and Raymito, who  
 18 were the other members or associates of the 200 that you  
 19 committed crimes with?  
 20 A. Little Brian, a couple other 200s. I can't remember their  
 21 name right now.  
 22 Q. You mentioned Little Brian?  
 23 A. Yeah.  
 24 Q. Ms. Abrams, can you please publish Government Exhibit 505  
 25 which was previously received into the evidence.

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1 Mr. Fedor do you recognize this individual?  
 2 A. Yes.  
 3 Q. Who is that?  
 4 A. Little Brian.  
 5 Q. What was Little Brian's status in the gang?  
 6 A. He used around. He used to be associate, like. He used to  
 7 hang out.  
 8 Q. Mr. Fedor, did the 200 have any particular headquarters?  
 9 A. Yes.  
 10 Q. What were they?  
 11 A. Academy and Post and Sherman and Arden.  
 12 Q. Ms. Abrams, can you please publish Government Exhibit 235,  
 13 and can you zoom in on the upper portion. Actually Ms. Abrams,  
 14 can you zoom in just on the upper portion of the map.  
 15 Mr. Fedor, can you see the map on your screen ?  
 16 A. Yes.  
 17 Q. Now, you mentioned that there was a headquarters at Academy  
 18 and Post?  
 19 A. Yes.  
 20 Q. Do you see that on the map there?  
 21 A. Yes.  
 22 Q. Okay. And can you -- I'm not sure if this is going to  
 23 work, but can you indicate -- are you able to circle the screen  
 24 where it is?  
 25 A. It's not doing it right.

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1 Q. All right. And can you just describe where on the map  
 2 Academy and Post is?  
 3 A. It says Nagle and then it says Post on the top and it ain't  
 4 got a street.  
 5 Q. Mr. Fedor, you mentioned that there was a headquarters at  
 6 Sherman and Arden, correct?  
 7 A. Yes.  
 8 Q. And can you indicate or can you describe where on the map  
 9 that would be?  
 10 A. It says Arden and Sherman in the corner right there.  
 11 Q. Mr. Fedor, are you aware of any nicknames for the  
 12 headquarters at Sherman and Arden?  
 13 A. Yeah, "Five For Twenty."  
 14 Q. What did "Five For Twenty" stand for?  
 15 A. The building number, and when they used to sell weed, it  
 16 used to be named "Five For Twenty."  
 17 Q. You say when they used to sell weed. Who is the "they"  
 18 that you are referring to?  
 19 A. The people from the block and the 200s that used to be on  
 20 that block.  
 21 Q. And what did Five For Twenty mean in the context of selling  
 22 weed?  
 23 A. Five bags for \$20.  
 24 Q. Ms. Abrams, can you please publish Government Exhibit 201 .  
 25 Mr. Fedor, do you recognize what's in front of you?

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1 A. Yes.  
 2 Q. What is that?  
 3 A. The 5420 building.  
 4 Q. Ms. Abrams, can you take that down and publish Government  
 5 Exhibit 315. Can you blow up the photograph on that page,  
 6 please.  
 7 Mr. Fedor, do you see any members of the 200 in this  
 8 photograph?  
 9 A. Yes.  
 10 Q. Who in the photograph appears -- is in the 200?  
 11 A. Banga.  
 12 Q. Can you identify the person in the photo that you see as  
 13 Banga?  
 14 A. The one with the white shirt next to the pink shirt guy.  
 15 Q. Do you recognize where Banga is standing in this  
 16 photograph?  
 17 A. Yeah, like in the middle of the photograph.  
 18 Q. Do you recognize in front of which building he is standing?  
 19 A. 5420.  
 20 Q. Mr. Fedor are you familiar with Instagram?  
 21 A. Yes.  
 22 Q. Did you use Instagram?  
 23 A. Yes.  
 24 Q. When you used Instagram, did you used to follow people?  
 25 A. Yes.

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1 Q. Did you write comments on Instagram?  
 2 A. Yes.  
 3 Q. Did your comments include the use of emojis?  
 4 A. Yes.  
 5 Q. How about slang words?  
 6 A. Yes.  
 7 Q. To your knowledge, did Banga have an Instagram account?  
 8 A. Yes.  
 9 Q. Did you follow him on Instagram?  
 10 A. Yes.  
 11 Q. Ms. Abrams, can you please go to page 2 of Government  
 12 Exhibit 315 and blow up the first comment.  
 13 Mr. Fedor, do you see there where it says user and  
 14 then it says PrettiestGangsta200?  
 15 A. Yes.  
 16 Q. Do you know who that is?  
 17 A. Banga.  
 18 Q. And Ms. Abrams, if you could now blow up -- sorry. I see  
 19 it there.  
 20 Mr. Fedor, do you see where it says "text" there?  
 21 A. Yes.  
 22 Q. And do you see the first emoji?  
 23 A. Yes.  
 24 Q. What is that?  
 25 A. A gas tank.

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1 Q. And in light of that gas tank, how do you read the text  
 2 there?  
 3 A. "Gang."  
 4 Q. And what follows after gang?  
 5 A. 100 percent.  
 6 Q. Mr. Fedor are you familiar with the term "beefing"?  
 7 A. Yes.  
 8 Q. What does that mean?  
 9 A. When you going against another gang person or another -- or  
 10 other gang members or when you are against people or war .  
 11 Q. A war between two gangs?  
 12 A. Yes.  
 13 Q. When you were an associate with the 200, were the 200  
 14 beefing with any other gangs?  
 15 A. Yes.  
 16 Q. What gangs were they beefing with?  
 17 A. I'm not sure what gang members, but from the Bronx and from  
 18 Manhattan.  
 19 Q. Do you know which particular gangs they were beefing with  
 20 in Manhattan?  
 21 A. No, but I know the area like the nineties and in the  
 22 sixties.  
 23 Q. So when you say nineties, what streets in Manhattan are you  
 24 referring to?  
 25 A. 190, 191, 192, 193.

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1 Q. And when you say sixties, what streets in Manhattan are you  
 2 referring to?  
 3 A. 161, 160, 162, 163, and Broadway.  
 4 Q. To your knowledge, what type of disputes did the 200 have  
 5 with other gangs?  
 6 A. Over a girl, over Instagram, over stuff in the streets.  
 7 Q. So when you say that there is a dispute over a girl, what  
 8 do you mean by that?  
 9 A. They was fucking -- sorry, they was having relationship  
 10 with other -- sexual relationship with other -- with other gang  
 11 member's girl, other gang members had relationship with they  
 12 girls.  
 13 Q. And how would that lead to a dispute or a beef ?  
 14 A. Over respect.  
 15 Q. Now, Mr. Fedor, I would like to ask you a few questions  
 16 about the defendant. When did you first meet him?  
 17 A. When I came out of jail, like in 2010, around that area.  
 18 Q. Where did you meet him?  
 19 A. In 5420 block.  
 20 Q. How did you meet him?  
 21 A. Through other 200 members.  
 22 Q. When you met Banga, what did his hair look like?  
 23 A. He had dreads, long dreads and a ponytail in a rubber band  
 24 or loose.  
 25 Q. So he wore his dreads in different ways?

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1 A. Yes.  
 2 Q. And you mentioned that Banga was a member of the 200,  
 3 correct?  
 4 A. Yes.  
 5 Q. What was Banga's role in the 200?  
 6 A. He was a shooter.  
 7 (Continued on next page)  
 8  
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1 BY MS. BHASKARAN:  
 2 Q. How many times, if at all, have you seen Banga with a gun?  
 3 A. A lot of time.  
 4 Q. How many times?  
 5 A. Almost every time I used to see him.  
 6 Q. Where did he keep his guns when you saw him with a gun?  
 7 A. Different places. His waist, his sneaker, his hoodie.  
 8 Q. Did you see what kind of gun he had on those times?  
 9 A. I'm not sure.  
 10 Q. What part of the gun could you see?  
 11 A. Probably where the clip was at, or the handle, if it was a  
 12 revolver.  
 13 Q. Did 200 members and associates share guns with one another?  
 14 A. Yes.  
 15 Q. Did you ever borrow a gun from another 200?  
 16 A. Yes.  
 17 Q. Which 200?  
 18 A. Banga.  
 19 Q. When did you borrow a gun from Banga?  
 20 A. Well, I had a dispute for a parking spot, and one of the  
 21 200 members went and picked it up with me in the car.  
 22 Q. Let me back you up again. Do you know what year or what  
 23 month you needed a gun?  
 24 A. I'm not -- I don't remember the time -- I don't remember  
 25 the year.

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1 Q. Was it after you got out of jail --  
 2 A. Yeah.  
 3 Q. -- in 2010?  
 4 A. Yes.  
 5 Q. And so tell us, why did you need a gun in the first place?  
 6 A. Because we got in some dispute with a person over a parking  
 7 spot. He got a little bit aggressive. It was early in the  
 8 morning, and that's when one of the 200 members that I was with  
 9 called Banga, and Banga brang us down the gun. And we went and  
 10 picked it up on Dyckman Street.  
 11 Q. Do you remember which 200 member you were with?  
 12 A. I'm not sure.  
 13 Q. And who called Banga, you or the other 200?  
 14 A. The 200.  
 15 Q. And after you called Banga, what happened after that?  
 16 A. We went to Dyckman and Vermilyea, and that's when we picked  
 17 it up.  
 18 Q. OK. And who did you pick it up from?  
 19 A. Banga.  
 20 Q. Did you go upstairs? Did he come down? How did that work?  
 21 A. Came downstairs.  
 22 Q. And what did you do after you got the gun?  
 23 A. Went back to the parking spot where I had the dispute with  
 24 the person.  
 25 THE COURT: You mean you and somebody else each wanted

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1 to park your respective cars in a single spot.  
 2 THE WITNESS: Yes, we got into a dispute over a single  
 3 spot.  
 4 THE COURT: All right.  
 5 BY MS. BHASKARAN:  
 6 Q. What happened when you got back to the disputed parking  
 7 spot?  
 8 A. The guy left.  
 9 Q. So what did you do with the gun?  
 10 A. We went and took it back to Banga.  
 11 Q. What, if any, other conversations did you have with Banga  
 12 about guns?  
 13 A. That he will get some guns from PA for a good price and  
 14 purchase for a good price.  
 15 Q. Did you ever take him up on that offer?  
 16 A. No, no.  
 17 Q. Did you ever commit a robbery with Banga?  
 18 A. No. That I could remember about, no.  
 19 Q. Did you ever discuss committing a robbery with Banga?  
 20 A. We discussed about going out of town and doing crimes  
 21 together, but it didn't happen.  
 22 Q. I want to now turn your attention to a different topic,  
 23 which is a conversation you had with Banga in 2014.  
 24 Did there come a time when you and Banga had a conversation  
 25 about a murder?

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1 A. Yes.  
 2 Q. About when was that conversation?  
 3 A. Around 2014.  
 4 Q. Where did that conversation take place?  
 5 A. On Arden and Sherman on 5420 block.  
 6 Q. What time of day did that conversation happen ?  
 7 A. It was daytime, like in the afternoon.  
 8 Q. Why did you go to 5420 that day?  
 9 A. Because I was meeting up with P-Mula.  
 10 THE COURT: Please say it again.  
 11 THE WITNESS: P-Mula.  
 12 THE COURT: P-Mula.  
 13 THE WITNESS: Yeah.  
 14 BY MS. BHASKARAN:  
 15 Q. And once you got there, who else was there, if you can  
 16 remember?  
 17 A. It was other 200s member, but I was with a 200 member , was  
 18 with me.  
 19 Q. Was Banga there?  
 20 A. Yes.  
 21 Q. Where did you all hang out?  
 22 A. The corner of 5420.  
 23 Q. So outside the building?  
 24 A. Yes.  
 25 Q. What was the topic of the conversation once you joined that

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1 group?  
 2 A. I remember Banga saying that his gun was the one that  
 3 killed the person.  
 4 Q. So let's back up here. Was there a conversation about a  
 5 murder when you got there?  
 6 A. Yes. We was speaking about, that he got back at some  
 7 people that he was beefing with in the Bronx.  
 8 Q. And to your understanding, when did that murder take place ?  
 9 A. I know that it was in the year -- if I'm not mistaken, the  
 10 year 2014.  
 11 Q. And to your understanding, had that conversation  
 12 happened -- had the murder happened recently or a while back?  
 13 A. It was recently. It wasn't that long ago, around that  
 14 area.  
 15 Q. And what made you believe that the murder had just  
 16 happened?  
 17 A. Because he was talking about it, and it was in the news  
 18 and, you know, he -- he was, he was, he was a little bit hyped  
 19 about it.  
 20 Q. So tell us, what about Banga say to you during that  
 21 conversation?  
 22 A. That his gun was the one that killed the person.  
 23 Q. Did he say this to you privately, or did he say it to you  
 24 in a group?  
 25 A. He said it in the group.

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1 Q. What was his demeanor like when you had this conversation  
 2 with him?  
 3 A. He was feeling himself. He looked a little bit scared, but  
 4 he was feeling anxious, you know, like -- he just -- everybody  
 5 was respecting him around him, so he was feeling good about it.  
 6 Q. You said he was feeling himself and feeling good about it,  
 7 what made you believe -- well, first of all, what do you mean  
 8 by feeling himself?  
 9 A. You know, like, like, his, that his personality, how he  
 10 was. He was changing. He was talking aggressive. You know,  
 11 he was, like, moving around a lot.  
 12 Q. What was his tone of voice like?  
 13 A. A little bit aggressive.  
 14 Q. What was Banga's hair like during this conversation?  
 15 A. Long, dreads.  
 16 MS. BHASKARAN: Ms. Abrams, can you please publish  
 17 Government Exhibit 303.  
 18 Could you please blow up the photograph as well.  
 19 Q. Mr. Fedor, do you recognize the person in this photograph ?  
 20 A. Yes.  
 21 Q. Who is it?  
 22 A. Banga.  
 23 Q. Can you please describe Banga's hair in this photo ?  
 24 A. Long dreads.  
 25 Q. How did Banga's hair during the conversation you just

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1 described about the murder compare to Banga's hair in this  
 2 photograph?  
 3 A. The same.  
 4 MS. BHASKARAN: Ms. Abrams, you can take that down.  
 5 Thank you.  
 6 Q. Mr. Fedor, apart from this conversation, did you have any  
 7 other conversations with Banga about the murder ?  
 8 A. Not with Ban -- oh, after, after he cut his hair we had a  
 9 conversation.  
 10 Q. You said he cut his hair?  
 11 A. Yes.  
 12 Q. About how long after the first conversation did he cut his  
 13 hair?  
 14 A. Probably like a week or -- I don't remember exactly the  
 15 time period, but it was, like, a week after that.  
 16 Q. And prior to that, had you ever seen Banga with short hair?  
 17 A. No.  
 18 Q. So what did you say to him, or what did you do once you saw  
 19 that he had cut off his hair?  
 20 A. I asked him why he cut his hair.  
 21 Q. What did he say to you in response?  
 22 A. Because of the incident that happened, like that nobody  
 23 could recognize him.  
 24 THE COURT: Did he use that word, the incident that  
 25 happened, or did he describe it?

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1 THE WITNESS: But he said exactly, like, like that  
 2 nobody could recognize him.  
 3 THE COURT: But due to what? Did he say the incident  
 4 that happened?  
 5 THE WITNESS: That's what we're speaking about sir.  
 6 It was due to the incident that happened, sir.  
 7 THE COURT: That's what he said.  
 8 THE WITNESS: No. He, like -- that's what I  
 9 understood.  
 10 THE COURT: OK. Thank you.  
 11 MS. BHASKARAN: Ms. Abrams, could you please publish  
 12 Government Exhibit 305.  
 13 Q. Mr. Fedor, do you recognize the individual in the white and  
 14 blue shirt in this photograph?  
 15 A. Yes.  
 16 Q. Who is that?  
 17 A. Banga.  
 18 Q. How would you describe Banga's hair in this photograph?  
 19 A. That's how it looked when I spoke to him.  
 20 Q. Well, how would you describe his hair in this photograph?  
 21 A. Short.  
 22 Q. And was his hair this short when you had the conversation  
 23 about cutting his hair?  
 24 A. Yeah, it looked the same.  
 25 MS. BHASKARAN: Ms. Abrams, you can take that down.

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1 Q. Who is it?  
 2 A. Banga.  
 3 Q. How would you describe his hair in this photograph?  
 4 A. Long dreads.  
 5 MS. BHASKARAN: Now, Ms. Abrams, can you now go to the  
 6 comments for this Instagram post.  
 7 Q. Now, Mr. Fedor, do you see where it says TBT?  
 8 A. Yes.  
 9 Q. When you use Instagram, did you use words like TBT?  
 10 A. Yes.  
 11 Q. What do you understand TBT to mean?  
 12 A. Throwback Thursdays.  
 13 Q. What does that mean in this context?  
 14 A. Like a old picture.  
 15 Q. Do you see where it says Topgoon?  
 16 A. Yes.  
 17 Q. What did you understand Topgoon to mean?  
 18 A. Like a top, top soldier for the streets.  
 19 Q. When you say soldier, what do you mean by that? Soldier  
 20 for what?  
 21 A. For gang, for ranks in the street, things like that.  
 22 Q. After the murder, what, if anything, happened to Banga's  
 23 reputation?  
 24 A. He had more respect.  
 25 Q. What was your understanding of why he had more respect ?

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1 Thank you.  
 2 Q. After the murder, how often did you see Banga ?  
 3 A. Not that often.  
 4 Q. Why did you see him not that often?  
 5 A. Because he probably was laying low.  
 6 MS. MACEDONIO: Objection.  
 7 A. He was --  
 8 THE COURT: I'll allow it. That's what the answer is.  
 9 Objection overruled.  
 10 MS. BHASKARAN: Ms. Abrams, could you please publish  
 11 Government Exhibit 309.  
 12 THE COURT: I take it, sir, you don't know that he was  
 13 laying low, do you?  
 14 THE WITNESS: Like, he was in the area, he was --  
 15 THE COURT: You have to speak into the mike, sir, and  
 16 talk to the jury.  
 17 Do you know that he was laying low?  
 18 THE WITNESS: Yeah. He wasn't -- he wasn't in the  
 19 area. He was staying away from the area. He was not being  
 20 seen for nobody.  
 21 THE COURT: All right.  
 22 BY MS. BHASKARAN:  
 23 Q. Mr. Fedor, do you recognize the individual in this  
 24 photograph?  
 25 A. Yes.

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1 A. Because of the crimes he was committing.  
 2 Q. And what was your understanding of how the crimes that he  
 3 was committing gave him more respect?  
 4 A. Because people look at you different and they talk to you  
 5 different. They'll think about trying, try anything with you .  
 6 Q. I'm sorry. Could you say that again?  
 7 A. They'll think about trying anything with you, like, coming  
 8 at you, like, with a problem or anything.  
 9 Q. And why would it be the case because -- why would that be  
 10 the case?  
 11 A. Because the respect went higher, like people's respecting  
 12 you now. You know, you're a shooter, you gain that respect in  
 13 the streets.  
 14 Q. Mr. Fedor, I'd now like to turn to your criminal history.  
 15 So, you mentioned that you committed many crimes with the  
 16 200s, is that correct?  
 17 A. Yes.  
 18 Q. And generally speaking, what were those crimes?  
 19 A. Robberies, kidnapping, discharging, high-speed chases,  
 20 selling drugs, burglarizing businesses. And a lot of other  
 21 crime.  
 22 Q. How about assault; did you commit assaults with the 200?  
 23 A. Yes.  
 24 Q. How about something called breaking; did you do that with  
 25 the 200?

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1 A. Yes.  
 2 Q. All right. So let's turn to some of those crimes.  
 3 So, you mentioned breaking. Can you tell us what you mean  
 4 by breaking?  
 5 A. Selling fake drugs, putting, putting a real drug in the  
 6 middle and then we sell -- we show them the real drugs that's  
 7 in the top, and in the bottom it's fake.  
 8 Q. So what kind of fake drugs were you trying to sell?  
 9 A. I mean any drug that we could sell. Any drug that's in the  
 10 streets -- coke, dope, crack, weed.  
 11 Q. How many times do you think you committed breaking with the  
 12 200?  
 13 A. A lot of times.  
 14 Q. Over 20?  
 15 A. Yeah, more than 20.  
 16 Q. And for how many years did you break with the 200 ?  
 17 A. From, like, 2010 until I got locked up in 2017.  
 18 Q. Who were some of the 200 that you used to break with ?  
 19 A. With True, Raymito, P-Mula, Necio, and a couple other 200s  
 20 I can't remember at this time.  
 21 Q. Where did the breaking take place?  
 22 A. Out of town.  
 23 Q. How about New York City?  
 24 A. Yes. If there was a client in New York City, we break them  
 25 in New York City too.

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1 Q. Let me ask you about the pharmacy burglaries.  
 2 What did you steal from the pharmacies?  
 3 A. We used to steal the narcotic pills, like Oxycontin,  
 4 Percocets, Lean, and the safe of the money.  
 5 THE COURT: What is Lean?  
 6 THE WITNESS: Lean is, like, the syrup. Syrup, cough  
 7 syrup.  
 8 BY MS. BHASKARAN:  
 9 Q. What would you do with the stolen drugs?  
 10 A. Sell it.  
 11 Q. Sell them?  
 12 A. Yeah.  
 13 Q. Who were some of the 200 that you did those burglaries  
 14 with?  
 15 A. Milton, Raymito, True, and a couple other 200s.  
 16 Q. About how many times did you commit burglaries with the  
 17 200?  
 18 A. A couple good times.  
 19 Q. More than five?  
 20 A. Yes.  
 21 Q. More than ten?  
 22 A. You could say less than 20.  
 23 Q. You mentioned that you discharged firearms with the 200s,  
 24 is that correct?  
 25 A. Yes.

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1 Q. Did the breaking ever become violent?  
 2 A. Yes.  
 3 Q. How so?  
 4 A. We used to throw people out the car and crash them if we  
 5 had to. Tase them, pepper spray them, and everything else.  
 6 Q. Did you ever use guns when you were breaking ?  
 7 A. Yes.  
 8 Q. You mentioned that you used cars. Can you tell us about  
 9 that?  
 10 A. Yes.  
 11 Q. What did you do?  
 12 A. We crash them and hit them with the car to, to get away.  
 13 Q. Can you tell us about a time when you hit someone or  
 14 crashed someone with a car when you were breaking with the  
 15 200s?  
 16 A. Yeah. Somebody tried get in the car, and we hit him and  
 17 dragged him on, on the street block.  
 18 Q. Now, you mentioned that you committed burglaries with the  
 19 200s, is that correct?  
 20 A. Yes.  
 21 Q. What types of places did you burglarize?  
 22 A. Pharmacies and stores, like, stores and a lot, a lot of  
 23 businesses, like legit businesses.  
 24 Q. What kind of stores?  
 25 A. Like grocery stores, supermarkets.

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1 Q. And who did the shooting?  
 2 A. I -- I did shootings, and I was there for other shootings.  
 3 Q. So, can you tell us about a shooting that you did with the  
 4 200?  
 5 A. Yes, on 5420 block.  
 6 Q. Tell us what happened.  
 7 A. I got in a dispute with another person, and then the  
 8 dispute didn't go good, and I ended up grabbing the gun and  
 9 shooting at him.  
 10 Q. Who were you with?  
 11 A. I was with another 200 member.  
 12 Q. Which 200 member?  
 13 A. Necio.  
 14 Q. Did you end up hitting the victim?  
 15 A. No.  
 16 Q. Did you commit robberies with the 200?  
 17 A. Yes.  
 18 Q. How about home invasions?  
 19 A. Yes.  
 20 Q. How many robberies did you commit with the 200 ?  
 21 A. Couple robberies, couple good robberies.  
 22 Q. More than ten?  
 23 A. Around that, that number.  
 24 Q. And what did you steal during these robberies?  
 25 A. Jewelry, money, and drugs.

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1 Q. Did you use weapons during these robberies?  
 2 A. Yes.  
 3 Q. What kind of weapons?  
 4 A. Guns, knives, and Tasers.  
 5 Q. Are you familiar with someone named Skrilla?  
 6 A. Yes.  
 7 Q. Who is Skrilla?  
 8 A. That's a known Trinitario from the neighborhood.  
 9 Q. Does the 200 have any disputes or beefs with Skrilla ?  
 10 A. Yes.  
 11 Q. What was that over?  
 12 A. Over a girl.  
 13 Q. And how was the beef or the dispute resolved?  
 14 A. We caught him in the club, cut him with a razor, took his  
 15 chain, took his jewelry and whatever he had in his pocket.  
 16 Q. When you say we, who are you referring to?  
 17 A. Me and the 200s.  
 18 Q. And you said you cut him. Can you tell us what you mean by  
 19 that?  
 20 A. We grabbed a razor and cut him in his neck.  
 21 Q. And which 200 were you referring to?  
 22 A. P-Mula, Raymito, and Milton, and a couple other 200s that  
 23 was there.  
 24 Q. Was a gun involved?  
 25 A. Yes.

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1 Q. How was a gun involved?  
 2 A. One of the 200s had it on top of them.  
 3 Q. What did you do with the jewelry or the money that you  
 4 stole from Skrilla?  
 5 A. We kept some of it and we sold the rest.  
 6 Q. Did you commit kidnappings with the 200?  
 7 A. Yes.  
 8 Q. About how many kidnappings?  
 9 A. A few.  
 10 Q. Who were some of the 200s that you did kidnappings with?  
 11 A. Ray, Priva, and Raymito.  
 12 Q. Can you tell us about the first time that you kidnapped  
 13 someone with other 200 members?  
 14 A. Yes.  
 15 Q. When was that?  
 16 A. Like, around the early 2011, around there, around that  
 17 area, around.  
 18 Q. And which 200s were involved in that?  
 19 A. It was me, Priva, and True, if I'm not mistaken.  
 20 Q. And what was -- who did you kidnap?  
 21 A. A drug dealer.  
 22 Q. Why did you kidnap the drug dealer?  
 23 A. Because he owe us \$9,000.  
 24 Q. Was the kidnapping violent?  
 25 A. Yes.

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1 Q. How so?  
 2 A. We hit him with a gun in the head. We burned him in the  
 3 ear with a cigarette, and we tasered him in my house.  
 4 Q. Did you use a gun?  
 5 A. Yes.  
 6 Q. How did you use a gun?  
 7 A. Put it into his face and pistol-whipped him.  
 8 Q. Was the victim restrained in any way?  
 9 A. Yes. He had a pillowcase in his head, and he was tie  
 10 wrapped, zip, zip tied.  
 11 Q. What, if anything, did you take from the victim?  
 12 A. He ended up getting us the \$9,000 he owe us back.  
 13 Q. Were there any other kidnappings that you committed with  
 14 the 200?  
 15 A. Yes.  
 16 Q. When was that?  
 17 A. 2017.  
 18 Q. Was that the kidnapping that led to your arrest?  
 19 A. Yes.  
 20 Q. Who did you do that kidnapping with?  
 21 A. Raymito.  
 22 Q. Who did you kidnap?  
 23 A. Older Trinitario guy.  
 24 Q. Why did you kidnap him?  
 25 A. Because he said that he, he had drugs in his spot and he --

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1 we feel like he lied to us.  
 2 Q. So you kidnapped him?  
 3 A. Yes.  
 4 Q. So tell us what happened during the kidnapping.  
 5 A. We took him in the car. We pistol-whipped him. I shot to  
 6 the foot of the car, and then we threw him out the car on the  
 7 highway.  
 8 Q. You said you shot a gun at him?  
 9 A. Yes.  
 10 Q. Just tell us a little bit more about that.  
 11 A. I shot to the floor to get him -- because he was  
 12 struggling; he was trying to get out the car -- for he could  
 13 calm down.  
 14 Q. So where was the person that you kidnapped ? Was he in the  
 15 front of the car or the back of the car?  
 16 A. The back of the car.  
 17 Q. And where were you?  
 18 A. In front, driving.  
 19 Q. And where did you shoot the gun?  
 20 A. Through the floor.  
 21 Q. In the front of the car or the back of the car?  
 22 A. Front of the car.  
 23 Q. And you said you threw him out of the car?  
 24 A. Yes.  
 25 Q. Where did you throw him out of the car?

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1 A. On the highway.  
 2 Q. You mentioned that you engaged in some high-speed car  
 3 chases with the 200s?  
 4 A. Yes.  
 5 Q. Tell us about that.  
 6 A. When they used to pull us over, we didn't stop. We just  
 7 keep going.  
 8 Q. How many times did that happen?  
 9 A. A lot of times.  
 10 Q. Apart from the crimes you committed with the 200, have you  
 11 committed any other crimes?  
 12 A. Yes.  
 13 Q. In broad categories, what kinds of crimes have you  
 14 committed?  
 15 A. Robberies, breaking, selling drugs, shootings, robberies,  
 16 all -- all types of crime.  
 17 Q. All right. So let's start with breaking.  
 18 So you broke with people who weren't 200s?  
 19 A. Yes.  
 20 Q. About how many times?  
 21 A. A lot of -- a lot.  
 22 Q. And you committed robberies, correct?  
 23 A. Yes.  
 24 Q. How many robberies do you think that you committed in  
 25 total?

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1 A. A lot.  
 2 Q. Did you use weapons during your robberies?  
 3 A. Yes.  
 4 Q. What kinds of weapons?  
 5 A. Whatever weapon we needed.  
 6 Q. What kinds of weapons?  
 7 A. A gun, a Taser, pepper spray, knives.  
 8 Q. Typically, who were you robbing?  
 9 A. Drug dealers.  
 10 Q. What were you robbing them for?  
 11 A. For their money, their drugs, their jewelry.  
 12 Q. What did you do with the drugs that you stole from the drug  
 13 dealers?  
 14 A. We sell them.  
 15 Q. In the course of doing these robberies, did there ever come  
 16 a time when you hurt an innocent person or bystander?  
 17 A. Yes.  
 18 Q. Who did you injure?  
 19 A. We broke in the -- like, we broke in the wrong apartment,  
 20 and we injure an innocent kid that -- he was a deaf kid.  
 21 Q. And how was he injured?  
 22 A. We punched him, we hit him, and then we zip tied him. We  
 23 zip tied him.  
 24 Q. Have you committed assaults in your past?  
 25 A. Yes.

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1 Q. About how many assaults do you think you've committed?  
 2 A. A lot.  
 3 Q. More than 20?  
 4 A. You could say more than 20.  
 5 THE COURT: The kid that you injured, how old was he,  
 6 approximately?  
 7 THE WITNESS: I don't know. He was young.  
 8 THE COURT: All right.  
 9 THE WITNESS: He looked that young.  
 10 BY MS. BHASKARAN:  
 11 Q. Did you use weapons during your assaults?  
 12 A. Yes.  
 13 Q. What kinds of weapons?  
 14 A. Gun, knife and razors.  
 15 Q. Have you ever burned someone?  
 16 A. Yes.  
 17 Q. What did you use to burn that person?  
 18 A. A iron.  
 19 Q. And why did you iron that person?  
 20 A. Because he didn't want to tell us where the drugs is at.  
 21 Q. Have you ever assaulted someone with a car?  
 22 A. Yes.  
 23 Q. And how many times have you done that?  
 24 A. A couple times.  
 25 Q. Have you ever committed any arsons?

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1 A. Yes.  
 2 Q. What kinds of things did you set fire to?  
 3 A. Cars, to do insurance job, and a chicken coop by my area  
 4 and a basement.  
 5 Q. You said cars for insurance job?  
 6 A. Yes.  
 7 Q. What do you mean by that?  
 8 A. For, for -- well, like, for we get the money for insurance.  
 9 Q. And you said you set a chicken coop on fire?  
 10 A. Yes.  
 11 Q. Why did you do that?  
 12 A. Just was bored.  
 13 Q. And you set your basement on fire?  
 14 A. Yes.  
 15 Q. Why did you do that?  
 16 A. I got in a dispute with the super from the basement.  
 17 Q. What was the dispute about?  
 18 A. My dog. He threw my dog away.  
 19 Q. You mentioned you committed offenses involving firearms, is  
 20 that correct?  
 21 A. Yes.  
 22 Q. And so other than the times you've already mentioned, have  
 23 you shot guns?  
 24 A. Yes.  
 25 Q. Where did you shoot them?

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1 A. In the area, like, in the streets.  
 2 Q. At people or up in the air?  
 3 A. In the air, at people, however.  
 4 Q. Have you ever shot a BB gun?  
 5 A. Yes.  
 6 Q. Who did you shoot the BB gun at?  
 7 A. Innocent people that was walking by on the streets, in the  
 8 supermarket.  
 9 Q. Did you ever lie to, like, cops or law enforcement?  
 10 A. Yes.  
 11 Q. And how did you lie to law enforcement?  
 12 A. By giving them the wrong name, the wrong information, ID,  
 13 to get off the situation.  
 14 Q. So law enforcement would stop you, and you would lie about  
 15 who you were?  
 16 A. Yes.  
 17 Q. And have you ever resisted arrest from law enforcement?  
 18 A. Yes.  
 19 Q. How many times do you think you've done that?  
 20 A. A lot of time.  
 21 Q. So of the crimes that we just talked about, were you  
 22 arrested for some of them or for all of them?  
 23 A. For some of them.  
 24 Q. What percentage of the crimes that you committed in your  
 25 life do you think you were arrested for?

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1 A. A little bit.  
 2 Q. For the ones that you weren't arrested for, to your  
 3 knowledge, how did the government find out about them?  
 4 A. Because I told them about it.  
 5 Q. I'd like to ask you now some questions about your conduct  
 6 in prison.  
 7 I think you mentioned you've been in jail since August of  
 8 2017?  
 9 A. Yes.  
 10 Q. Since you've been in jail, have you committed crimes?  
 11 A. Yes.  
 12 Q. What kinds of crimes have you committed in jail?  
 13 A. Try and smuggle K2, smoke K2. We try to smoke Suboxone,  
 14 take Suboxone, and assault, assault people while I was in jail.  
 15 Q. So you -- it sounds like you would use drugs while you've  
 16 been in jail?  
 17 A. Yes.  
 18 Q. And tried to sell drugs while you were in jail?  
 19 A. Yes.  
 20 Q. And got into fights when you were in jail?  
 21 A. Yes.  
 22 Q. How many fights have you gotten in in jail?  
 23 A. A few. A few, couple, couple fights.  
 24 Q. Have you possessed any kind of contraband while in jail?  
 25 A. Yes.

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1 Q. What kind of contraband?  
 2 A. Drugs and knife.  
 3 Q. To your knowledge, will the judge know about your conduct  
 4 in prison at sentencing?  
 5 A. Yes.  
 6 Q. Since you've been in jail, have you had any conversations  
 7 with any of the people we discussed during your testimony  
 8 today?  
 9 A. Yes.  
 10 Q. Who have you spoken to?  
 11 A. Raymito and P-Mula.  
 12 Q. Let me ask you about P-Mula first.  
 13 When was the last time you spoke to P-Mula?  
 14 A. Not that long ago.  
 15 Q. A few weeks ago?  
 16 A. Yeah.  
 17 Q. Did you discuss the fact that you would be testifying  
 18 today?  
 19 A. Yes, I told him I'm going to be in this trial.  
 20 Q. Did you discuss the details of your testimony today?  
 21 A. No.  
 22 Q. And you said you spoke to Raymito as well, right?  
 23 A. Yes.  
 24 Q. When was the last time you spoke to Raymito?  
 25 A. Like, 2018.

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1 Q. What was the topic of your conversation with Raymito?  
 2 A. It wasn't that serious. It was just talking.  
 3 Q. Did you discuss your testimony with Raymito?  
 4 A. No.  
 5 MS. BHASKARAN: Ms. Abrams, could you please show the  
 6 witness, the parties, and the Court what's been marked for  
 7 identification as Government Exhibit 507.  
 8 Q. Mr. Fedor, do you recognize who is in this photo?  
 9 A. Yes.  
 10 Q. Who is it?  
 11 A. Me.  
 12 MS. BHASKARAN: Your Honor, the government offers  
 13 Government Exhibit 507.  
 14 MS. MACEDONIO: No objection.  
 15 THE COURT: Admitted.  
 16 (Government Exhibit 507 received in evidence)  
 17 MS. BHASKARAN: Permission to publish to the jury?  
 18 THE COURT: Yes.  
 19 MS. BHASKARAN: Thank you.  
 20 Ms. Abrams, you can take that down.  
 21 THE COURT: Approximately how much longer do you have?  
 22 MS. BHASKARAN: Approximately five.  
 23 THE COURT: All right.  
 24 BY MS. BHASKARAN:  
 25 Q. Mr. Fedor, you were arrested in August 2017 for kidnapping,

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1 correct?  
 2 A. Yes.  
 3 Q. When you were arrested, were you interviewed by law  
 4 enforcement agents?  
 5 A. In the precinct, yes.  
 6 Q. OK. And what was the topic of that interview with law  
 7 enforcement?  
 8 A. They asked me if I wanted to speak with them.  
 9 Q. And did you discuss the kidnapping with them?  
 10 A. We spoke about it, but I lied to them.  
 11 Q. And after that -- let me step back.  
 12 Well, why did you lie to the cops about it?  
 13 A. Because I didn't want to speak to them about the case.  
 14 Q. And to your understanding, when you were arrested for  
 15 kidnapping, were you facing a mandatory minimum sentence?  
 16 A. When I ended up in the feds, yes.  
 17 Q. And what was that mandatory minimum, to your understanding?  
 18 A. My minimum was 20 years.  
 19 Q. When you were arrested?  
 20 A. Oh, I -- I don't remember. I don't remember exactly. When  
 21 I was arrested, I remember, but after that my memory was 20  
 22 Q. We'll get to that in a moment.  
 23 After your arrest, did you then meet with prosecutors and  
 24 law enforcement agents?  
 25 A. Yes.

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1 Q. And how many months after your arrest did that happen?  
 2 A. Couple months later.  
 3 Q. Since then, how many times did you meet with prosecutors  
 4 and agents?  
 5 A. A lot.  
 6 Q. And was your attorney present at those meetings?  
 7 A. Yes.  
 8 Q. After those meetings, did you enter into a cooperation  
 9 agreement with the government?  
 10 A. Yes.  
 11 Q. Was that a written agreement?  
 12 A. Yes.  
 13 Q. Did you review that agreement with your attorney?  
 14 A. Yes.  
 15 Q. And did you sign it?  
 16 A. Yes.  
 17 Q. As a result of that agreement, you testified that you  
 18 pleaded guilty to certain crimes, correct?  
 19 A. Yes.  
 20 Q. Have you been sentenced for those crimes yet?  
 21 A. No.  
 22 Q. What's the maximum possible sentence you could receive for  
 23 those crimes?  
 24 A. Life.  
 25 Q. As a result of your guilty plea, are you facing a mandatory

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1 minimum sentence now?  
 2 A. Yes.  
 3 Q. What is it?  
 4 A. 20 years.  
 5 Q. Who decides what your sentence will be?  
 6 A. The judge.  
 7 Q. Does anyone else decide?  
 8 A. No.  
 9 Q. What's your understanding of what you promised to do in  
 10 your agreement with the government?  
 11 A. To tell the truth.  
 12 Q. If you live up to your side of the agreement, what's your  
 13 understanding of what the government is required to do?  
 14 A. Write a 5K1 letter for me.  
 15 Q. What is your understanding of what type of information goes  
 16 into a 5K1 letter?  
 17 A. The good and the bad.  
 18 Q. Did the government make any promises to you about what type  
 19 of sentence you will receive if you fully cooperate?  
 20 A. No.  
 21 Q. Has anyone else?  
 22 A. No.  
 23 Q. Will the government recommend a specific sentence for you?  
 24 A. I don't think so.  
 25 Q. What are you hoping to get out of cooperating with the

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1 government?  
 2 A. Time served.  
 3 Q. Do you know one way or another whether you will, in fact,  
 4 receive less jail time because you cooperated?  
 5 A. No.  
 6 Q. As you understand it, even if the judge receives a 5K1  
 7 letter from the government, is the judge required to sentence  
 8 you to less prison time?  
 9 A. No.  
 10 Q. As you understand it, what could happen to you today if you  
 11 lie?  
 12 A. I get life in prison.  
 13 Q. What would happen to your cooperation agreement?  
 14 A. It will get ripped up.  
 15 Q. If you lose your cooperation agreement, will you be able to  
 16 withdraw your guilty plea?  
 17 A. Say that again?  
 18 Q. If you lose your cooperation agreement, can you take back  
 19 your guilty plea?  
 20 A. No.  
 21 Q. What's the minimum sentence you face if you lie?  
 22 A. 20.  
 23 Q. 20 years?  
 24 A. Yeah, 20 years.  
 25 Q. To your understanding, does the verdict in this trial have

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any effect on whether you receive a 5K letter?

A. No.

MS. BHASKARAN: One moment, your Honor?

No further questions, your Honor.

THE COURT: All right. Thank you.

Ladies and gentlemen, it's 4:35. We'll end for the day today. We'll pick it up tomorrow at 9:30. Be here by 9:30, again, jury room for courtroom 23B. The latest we'll go tomorrow is 4 p.m. The testimony may end before that, but we won't continue beyond 4 p.m. All right?

Enjoy. It's a beautiful day. Keep an open mind. You have not heard all of the testimony. We'll see you tomorrow by 9:30. You've been very timely, and it's very much appreciated.

(Continued on next page)

THE COURT: You may step down, sir. We'll see you

tomorrow at 9:30.

(Witness not present).

THE COURT: 9:30, everybody.

(Adjourned to May 6, 2022, at 9:30 a.m.)

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<b>538/8 538/14 541/15</b>	<b>518/16 520/6 520/6</b>	<b>beard [2] 644/14</b>
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<b>462/10 462/24 463/1</b>	<b>587/22 589/2 589/23</b>	<b>549/2 549/9 549/11</b>
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<b>467/10 468/7 469/13</b>	<b>602/13 606/21 609/7</b>	<b>568/24 569/11</b>
<b>469/16 470/18 471/7</b>	<b>610/12 613/9 613/12</b>	<b>569/15 569/15</b>
<b>471/10 471/10 472/2</b>	<b>614/6 616/7 616/18</b>	<b>570/16 570/18</b>
<b>475/1 475/8 476/4</b>	<b>617/12 617/12</b>	<b>570/18 570/24</b>
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<b>671/9 672/17 674/22</b>	<b>694/6 696/20 699/13</b>	<b>being [24] 457/2</b>
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<b>689/20 692/4 695/13</b>	<b>516/16 517/2 521/8</b>	<b>574/2 576/8 577/10</b>
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<b>466/3 468/20 471/22</b>	<b>612/22 613/7 616/2</b>	<b>511/12 513/19 539/3</b>
<b>487/19 488/21 489/1</b>	<b>619/16 619/16</b>	<b>543/25 568/3 578/25</b>
<b>491/5 491/15 491/22</b>	<b>629/12 639/8 651/3</b>	<b>595/6 634/12 637/14</b>
<b>492/14 494/1 494/9</b>	<b>699/9</b>	<b>649/15 651/11</b>
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<b>491/1 491/2 491/19</b>	<b>481/18 481/25 482/4</b>	<b>Brooklyn [4] 503/8</b>
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<p><b>M</b></p> <p><b>Milton...</b> [14]  623/15 623/21  624/11 624/12  630/18 655/23  659/10 659/11  659/12 659/20  659/23 660/17  681/15 683/22</p> <p><b>Milton's</b> [3] 496/9  496/14 659/21</p> <p><b>mind</b> [1] 699/11</p> <p><b>mine</b> [1] 575/2</p> <p><b>minimum</b> [14]  485/13 486/11  486/12 486/20 487/2  547/8 547/9 593/19  594/18 695/15  695/17 695/18 697/1  698/21</p> <p><b>minor</b> [1] 560/6</p> <p><b>minute</b> [3] 494/20  513/18 648/15</p> <p><b>minutes</b> [7] 456/10  519/19 519/24 520/2  649/6 649/15 651/21</p> <p><b>mirror</b> [2] 467/13  469/6</p> <p><b>miss</b> [1] 553/14</p> <p><b>missed</b> [1] 506/5</p> <p><b>missing</b> [3] 479/7  479/9 479/11</p>	<p><b>mistake</b> [3] 568/4  569/7 629/23</p> <p><b>mistaken</b> [4] 658/2  659/10 672/9 684/19</p> <p><b>misunderstandings</b>  [1] 616/8</p> <p><b>model</b> [4] 462/2  471/2 471/6 471/7</p> <p><b>models</b> [1] 491/19</p> <p><b>mom's</b> [3] 536/25  537/2 537/11</p> <p><b>moment</b> [16] 458/23  487/6 497/18 502/8  504/8 511/16 511/23  511/24 523/22 550/5  597/11 620/20 648/1  657/15 695/22 699/3</p> <p><b>Monday</b> [2] 619/18  619/21</p> <p><b>money</b> [36] 498/23  503/24 504/1 504/3  526/13 526/14  535/24 536/11  536/12 536/15  536/21 552/12  552/19 552/22  573/21 573/23  573/24 611/19  618/11 622/10  622/14 622/23 624/7  627/20 627/24  630/25 631/18</p>	<p><b>more</b> [37] 461/20  469/14 471/4 486/16  491/22 494/6 494/20  497/17 497/20 502/7  511/16 511/18 516/1  531/14 534/6 535/9  535/17 545/11 552/6  555/20 568/19  572/23 585/12  629/14 633/7 655/23  657/14 677/24  677/25 678/3 679/15  681/19 681/21  682/22 686/10 689/3  689/4</p> <p><b>month</b> [6] 459/16  513/19 513/19  542/10 601/3 668/23</p> <p><b>months</b> [10] 494/2  513/13 554/19 561/7  563/1 564/17 569/21  580/12 696/1 696/2</p> <p><b>morning</b> [19] 456/2  457/1 457/11 457/12  457/21 457/22  487/11 492/15  492/17 493/2 493/3  519/21 519/24 587/7</p>
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<b>Mr. Pabon [1]</b> <b>596/24</b>	<b>662/24 663/4 664/11</b> <b>664/18 673/16 674/4</b> <b>675/11 675/25</b> <b>676/10 677/5 694/5</b> <b>694/20</b>	<b>Ms. Espinosa [2]</b> <b>492/23 521/5</b>
<b>Mr. Santana [3]</b> <b>596/23 597/5 600/6</b>	<b>676/10 677/5 694/5</b> <b>694/20</b>	<b>much [13] 484/5</b> <b>488/10 513/9 519/17</b> <b>552/19 585/2 585/10</b> <b>585/13 587/17</b> <b>619/15 645/3 694/21</b> <b>699/13</b>
<b>Mr. Schneider [5]</b> <b>456/4 585/10 587/5</b> <b>588/6 589/3</b>	<b>Ms. Abrams [64]</b> <b>473/8 473/13 474/8</b> <b>476/7 477/19 478/22</b> <b>481/11 481/13 483/1</b> <b>484/1 485/2 486/7</b> <b>496/23 500/6 500/8</b> <b>500/19 501/10 502/9</b> <b>502/20 502/21 505/4</b> <b>505/20 514/14</b> <b>514/20 518/18 519/5</b> <b>522/10 522/18</b> <b>522/24 524/12</b> <b>524/20 525/15 526/3</b> <b>526/22 527/3 527/8</b> <b>527/12 528/4 528/16</b> <b>529/11 530/3 530/5</b>	<b>552/19 585/2 585/10</b> <b>585/13 587/17</b> <b>619/15 645/3 694/21</b> <b>699/13</b>
<b>MrFuckYourBitch</b> <b>[1] 526/9</b>	<b>505/20 514/14</b> <b>514/20 518/18 519/5</b> <b>522/10 522/18</b> <b>522/24 524/12</b> <b>524/20 525/15 526/3</b> <b>526/22 527/3 527/8</b> <b>527/12 528/4 528/16</b> <b>529/11 530/3 530/5</b>	<b>619/15 645/3 694/21</b> <b>699/13</b>
<b>Ms [9] 456/11</b> <b>457/18 484/4 496/17</b> <b>701/4 701/5 701/7</b> <b>701/9 701/11</b>	<b>505/20 514/14</b> <b>514/20 518/18 519/5</b> <b>522/10 522/18</b> <b>522/24 524/12</b> <b>524/20 525/15 526/3</b> <b>526/22 527/3 527/8</b> <b>527/12 528/4 528/16</b> <b>529/11 530/3 530/5</b>	<b>Mula [10] 493/7</b> <b>493/14 671/9 671/11</b> <b>671/12 679/19</b> <b>683/22 693/11</b> <b>693/12 693/13</b>
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<p><b>N</b></p> <p>need... [4] 588/10 629/14 650/23 669/5 needed [2] 668/23 688/5 neighborhood [8] 514/4 517/3 517/7 627/15 627/17 627/18 628/24 683/8 neither [1] 644/24 neutral [1] 497/7 never [26] 490/2 562/13 581/24 582/2 584/9 595/21 611/17 612/18 612/21 612/23 613/22 613/23 614/7 614/17 619/3 623/8 623/10 624/18 625/9 633/3 633/6 638/13 639/8 644/2 644/21 646/21 new [27] 455/1 455/8 455/17 458/2 458/3 461/5 473/2 473/10 487/20 488/1 488/11 489/8 490/16 493/19 516/5 554/20 556/4 567/5 568/13 568/15 632/10 632/17 652/21 654/17 679/23 679/24 679/25</p>	<p>Case 1:18-cr-00319-SHS Document 540 Filed 05/20/22 Page 138 of 189</p> <p><b>New Jersey [1]</b> 632/17 <b>New York [3]</b> 516/5 632/10 654/17 news [3] 587/19 587/19 672/17 next [44] 456/7 456/8 456/15 457/5 465/13 468/14 468/14 492/7 492/8 500/8 503/10 505/18 510/25 520/8 522/18 524/12 526/3 527/3 528/4 529/8 529/12 530/7 546/6 551/22 557/10 559/14 567/16 585/25 588/15 592/21 597/16 599/5 603/21 625/12 648/12 648/19 649/4 649/5 651/24 652/4 656/22 663/14 667/7 699/14 nice [1] 492/5 <b>Nicholas [1]</b> 473/3 nickname [1] 493/13 nicknames [6] 493/4 493/6 496/11 496/12 654/12 662/11 niggaz [1] 529/17 nine [1] 478/10</p>	<p><b>nineties [2]</b> 665/21 665/23 no [202] 460/14 461/15 463/18 463/23 473/7 482/20 482/20 483/25 487/7 489/16 491/24 492/2 493/11 494/10 495/10 502/17 503/19 504/11 504/15 505/3 505/13 511/2 519/7 531/14 538/21 539/8 539/24 540/23 542/1 542/3 542/20 547/2 547/15 548/20 548/23 549/1 549/13 549/23 550/1 550/4 550/7 551/12 553/17 555/10 558/21 558/23 559/2 559/24 561/23 562/13 563/9 563/21 563/22 566/20 568/1 568/23 569/9 572/7 572/7 572/10 573/6 574/6 574/23 574/24 578/22 580/22 580/24 582/1 582/4 584/8 584/19 584/21 584/23 585/9 585/21 587/10 587/19 588/4 588/6 588/7 588/8</p>
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<b>shot [19] 480/8</b>	<b>sidebar [2] 597/14</b>	<b>470/24</b>
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<b>should [6] 528/24</b>	<b>signature [1] 473/20</b>	<b>553/11 553/13</b>
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<b>567/23 567/24 570/5</b>	<b>635/22 635/23</b>	<b>574/12 575/16</b>
<b>589/13 603/1 603/4</b>	<b>635/25 635/25 636/1</b>	<b>577/13 579/20</b>
<b>604/2 607/17 629/20</b>	<b>636/3 636/8 636/10</b>	<b>580/21 585/16</b>
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<b>480/8 481/17 481/17</b>	<b>480/7 499/3 500/1</b>	<b>636/21 636/22 639/9</b>
<b>486/9 506/5 536/25</b>	<b>501/18 503/2 503/19</b>	<b>639/25 646/21</b>
<b>537/11 538/21</b>	<b>503/20 503/21</b>	<b>648/11 648/12</b>
<b>541/15 550/20</b>	<b>504/23 504/24 506/1</b>	<b>648/16 649/22</b>
<b>666/21 686/20</b>	<b>509/5 510/2 510/11</b>	<b>649/25 652/6 668/3</b>
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